

Deposition of: Dan Slane, taken on June 21, 2011

<p align="center">UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK</p> <p align="center">- - -</p> <p>MILESTONE SHIPPING, : S.A., : : PLAINTIFF, : : vs. : CASE NO. 11 CVF 0014 (VM) : ECF CASE : ESTECH TRADING LLC : AND AMERICAN ENERGY : SERVICES, INC., : : DEFENDANTS. :</p> <p align="center">- - -</p> <p>Deposition of DAN SLANE, a Witness herein, called by the Plaintiff for cross-examination under the applicable Federal Rules of Civil Procedure, taken before Sylvia A. Fraley, a Registered Diplomate Reporter, Certified Realtime Reporter and Notary Public in and for the State of Ohio, pursuant to notice, at the Offices of Baker & Hostetler, 65 East State Street, Suite 2100, Columbus, Ohio 43215, commencing on Tuesday, June 21, 2011, at 9:05 a.m.</p> <p align="center">- - -</p>	<p align="right">Page 3</p> <p>1 DEPOSITION OF DAN SLANE 2 INDEX TO EXAMINATION 3 WITNESS PAGE 4 DAN SLANE 5 CROSS-EXAMINATION BY MS. OROZCO: 9 6 CROSS-EXAMINATION BY MR. WINTON: 93 7 RECROSS-EXAMINATION BY MS. OROZCO: 161 8 - - - 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>
<p align="right">Page 2</p> <p>1 DEPOSITION OF DAN SLANE 2 APPEARANCES 3 - - - 4 CLAUARISSE C. OROZCO, ESQUIRE TISDALE LAW OFFICES 5 10 Spruce Street Southport, CT 06890 6 (203) 254-8474 7 On behalf of the Plaintiff. 8 JAMES C. WINTON, ESQUIRE BAKER & HOSTETLER 9 1000 Louisiana Suite 2000 10 Houston, TX 77002 (713) 646-1304 11 12 On behalf of the Defendant American Energy Services, Inc. 13 ALSO PRESENT: 14 THOMAS E. MOLONEY, ESQUIRE 15 - - - 16 17 18 19 20 21 22 23 24</p>	<p align="right">Page 4</p> <p>1 DEPOSITION OF DAN SLANE 2 INDEX TO EXHIBITS 3 EXHIBIT DESCRIPTION PAGE 4 46 A THREE-PAGE DOCUMENT ENTITLED, 9 "SUBPOENA TO TESTIFY AT A 5 DEPOSITION IN A CIVIL ACTION," TO: DANIEL SLANE 6 7 47 A FOUR-PAGE DOCUMENT ENTITLED, 9 "NOTICE OF DEPOSITION OF DANIEL SLANE ..." 8 9 48 A THREE-PAGE DOCUMENT ENTITLED, 40 "ESCROW AGREEMENT DATED 2/12/10," BATES-STAMPED 10 MILESTONE00000001 THROUGH 0003 11 49 A SIX-PAGE E-MAIL STRING, 50 BEGINNING WITH AN M&F 12 CHARTERING/CHARTERING CHAIKA-AGENCY, RECEIVED: 13 11/30/10, BATES-STAMPED MILESTONE00000058 THROUGH 0063 14 15 50 A ONE-PAGE MICHALEK/CHARTERING 57 CHAIKA-AGENCY, DATED 12/24/10, BATES-STAMPED MILESTONE 0000012 16 17 51 A ONE-PAGE E-MAIL STRING, 57 BEGINNING WITH A 18 VIOLIN/MICHALEK E-MAIL DATED 12/24/10, BATES-STAMPED MILESTONE 00000103 19 20 52 A TWO-PAGE DOCUMENT ENTITLED, 69 "PROMISSORY NOTE," PRINCIPAL SUM: \$344,190, EXECUTED BY 21 MAKER AS OF 11/19/10, BATES-STAMPED AES-0033 AND 0034 22 23 53 A TWO-PAGE DOCUMENT ENTITLED, 70 "PROMISSORY NOTE, PRINCIPAL SUM: \$312,500, EXECUTED BY 24 MAKER AS OF 12/21/10, BATES-STAMPED AES-0038 AND 0039</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 5		Page 7	
1	54	A THREE-PAGE JACOBS/MICHALEK 70	
2		LETTER, DATED 12/10/10,	
3		SUBJECT: SALES CONTRACT,	
4	55	BATES-STAMPED AES-0035 THROUGH 71	
5		0037	
6		A TWO-PAGE DOCUMENT ENTITLED,	
7	56	"PROMISSORY NOTE," PRINCIPAL 86	
8		SUM: \$500,000, EXECUTED BY	
9	57	MAKER AS OF 12/2/10, 88	
10		BATES-STAMPED AES-0071 AND 0072	
11		A ONE-PAGE MOLONEY/WOLFSON	
12	58	LETTER, DATED 12/23/10, 92	
13		BATES-STAMPED AES-0040	
14		A FOUR-PAGE DOCUMENT BEGINNING,	
15	59	"OHIO OIL AND GAS ASSOCIATION 88	
16		BULLETIN ADVERTISERS," DATED	
17	60	NOVEMBER 2008, BATES-STAMPED 95	
18		MILESTONE 00000006 THROUGH 0009	
19		A ONE-PAGE JACOBS/MICHALEK	
20	61	LETTER, DATED 3/9/11, AND TWO 112	
21		PAGES OF ATTACHMENTS,	
22		BATES-STAMPED AES-0064 THROUGH	
23	62	0066 113	
24		A TWO-PAGE TISDALE/ESTECH	
		TRADING, LLC, LETTER, DATED	
		1/4/11	
		A NINE-PAGE DOCUMENT ENTITLED,	
		"SUBPOENA TO PRODUCE DOCUMENTS,	
		INFORMATION, OR OBJECTS OR TO	
		PERMIT INSPECTION OF PREMISES	
		IN A CIVIL ACTION"	
		A FOUR-PAGE DOCUMENT ENTITLED,	
		"TIME CHARTER" (CHARTER PARTY),	
		DATED 12/2/10, AND 24 PAGES OF	
		ATTACHMENTS, BATES-STAMPED	
		MILESTONE-000150 THROUGH 0177	
		A 29-PAGE DOCUMENT ENTITLED,	
		"VERIFIED AMENDED COMPLAINT"	
Page 6		Page 8	
1	63	A ONE-PAGE E-MAIL STRING, 123	
2		CONTAINING A VOEVUDSKY/SLANE	
3		E-MAIL, SENT: 11/30/10,	
4	64	BATES-STAMPED MILESTONE 124	
5		00000076	
6		A ONE-PAGE E-MAIL STRING,	
7		BEGINNING WITH A	
8	65	MICHALEK/CHARTERING 126	
9		CHAIKA-AGENCY E-MAIL, RECEIVED:	
10		11/30/10, BATES-STAMPED	
11		MILESTONE 00000078	
12		A ONE-PAGE E-MAIL STRING, 128	
13	66	CONTAINING A SLANE/CHARTERING 130	
14		CHAIKA-AGENCY E-MAIL, RECEIVED:	
15		11/30/10, BATES-STAMPED	
16		MILESTONE 00000077,	
17		A ONE-PAGE E-MAIL STRING,	
18	67	BEGINNING WITH A KOK/SLANE 132	
19		E-MAIL, BATES-STAMPED	
20		MILESTONE 00000079	
21		A TWO-PAGE DOCUMENT CONTAINING	
22	68	A VOEVUDSKY/SLANE E-MAIL, SENT: 130	
23		12/1/10, BATES-STAMPED	
24		MILESTONE 00000081 AND 0082	
		A TWO-PAGE E-MAIL STRING 132	
		CONTAINING A SLANE/CHARTERING	
		CHAIKA-AGENCY E-MAIL, RECEIVED:	
		12/1/10, BATES-STAMPED	
		MILESTONE 00000082 AND 0083	
		A ONE-PAGE E-MAIL STRING 139	
	69	CONTAINING A VOEVUDSKY/SLANE	
		E-MAIL, SENT: 12/1/10,	
		BATES-STAMPED	
		MILESTONE 00000084	
		A TWO-PAGE E-MAIL STRING 141	
	70	CONTAINING A SLANE/CHARTERING	
		CHAIKA-AGENCY E-MAIL, RECEIVED:	
		12/2/10, BATES-STAMPED	
		MILESTONE 00000085 AND 0086	
		A FOUR-PAGE DOCUMENT ENTITLED, 143	
		"ESCROW AGREEMENT DATED	
		02/12/2010," UNSIGNED	
	72	A ONE-PAGE E-MAIL STRING, 146	
		CONTAINING A SLANE/CHARTERING	
		CHAIKA-AGENCY E-MAIL, RECEIVED:	
		12/2/10, BATES-STAMPED	
		MILESTONE 00000085	
	73	A ONE-PAGE E-MAIL STRING, 149	
		CONTAINING A VOEVUDSKY/SLANE	
		E-MAIL, SENT: 12/3/10,	
		BATES-STAMPED	
		MILESTONE 00000089	
	74	A TWO-PAGE E-MAIL STRING, 150	
		CONTAINING A SLANE/CHARTERING	
		CHAIKA-AGENCY E-MAIL, RECEIVED:	
		12/6/10, BATES-STAMPED	
		MILESTONE 00000093	
	75	A TWO-PAGE E-MAIL STRING, 154	
		CONTAINING A	
		VOEVUDSKY/MICHALEK, SLANE	
		E-MAIL, SENT: 1/7/11,	
		BATES-STAMPED	
		MILESTONE 00000100 AND 0101	

		Tuesday Morning Session	
		June 21, 2011	
		9:05 a.m.	

		STIPULATIONS	
		It is stipulated by and between counsel for	
		the respective parties that the deposition of DAN	
		SLANE, a Witness herein, called by the Plaintiff under	
		the applicable Federal Rules of Civil Procedure, may be	
		taken at this time in stenotype by the Notary, pursuant	
		to notice; that said deposition may thereafter be	
		transcribed by the Notary out of the presence of the	
		witness; that proof of the official character and	
		qualification of the Notary is waived; that the	
		examination, reading, and signature of the said DAN	
		SLANE to the transcript of his deposition are expressly	
		waived by counsel and the witness; said deposition to	
		have the same force and effect as though signed by the	
		said DAN SLANE.	

Deposition of: Dan Slane, taken on June 21, 2011

Page 9	Page 11
<p>1 ---</p> <p>2 A THREE-PAGE DOCUMENT ENTITLED,</p> <p>3 "SUBPOENA TO TESTIFY AT A</p> <p>4 DEPOSITION IN A CIVIL ACTION," TO:</p> <p>5 DANIEL SLANE, WAS MARKED AS EXHIBIT</p> <p>6 46.</p> <p>7 ---</p> <p>8 A FOUR-PAGE DOCUMENT ENTITLED,</p> <p>9 "NOTICE OF DEPOSITION OF DANIEL</p> <p>10 SLANE ..." WAS MARKED AS EXHIBIT</p> <p>11 47.</p> <p>12 ---</p> <p>13 DAN SLANE</p> <p>14 being by me first duly sworn, as hereinafter certified,</p> <p>15 deposes and says as follows:</p> <p>16 CROSS-EXAMINATION</p> <p>17 BY MS. OROZCO:</p> <p>18 Q. Good morning, Mr. Slane. My name is</p> <p>19 Clairisse Orozco and I am an attorney from Tisdale Law</p> <p>20 Offices representing Milestone Shipping in a matter</p> <p>21 that's pending in the Southern District of New York.</p> <p>22 Could you please state your name for the</p> <p>23 record?</p> <p>24 A. Dan Slane, S-L-A-N-E.</p>	<p>1 assume that you did understand the question and that</p> <p>2 you answered it based on the understanding.</p> <p>3 If, at any time, you want a break for any</p> <p>4 reason, let me know and we will be happy to accommodate</p> <p>5 you. Okay?</p> <p>6 A. Thank you.</p> <p>7 Q. Thank you.</p> <p>8 There are two documents before you, Mr.</p> <p>9 Slane, that I have marked as Exhibits 46 and 47. The</p> <p>10 first one is a subpoena and the second one is a Notice</p> <p>11 of Deposition, and I'll just ask you to take a moment</p> <p>12 to review those documents.</p> <p>13 (Discussion off the record.)</p> <p>14 BY MS. OROZCO:</p> <p>15 Q. Mr. Slane, do you recall receiving these</p> <p>16 documents which we have marked as Exhibits 46 and 47?</p> <p>17 A. I do.</p> <p>18 Q. And do you recall when you received them?</p> <p>19 A. I do not.</p> <p>20 Q. Did you have a chance to review those</p> <p>21 documents before today?</p> <p>22 A. No -- Well, I mean, I looked at it when I got</p> <p>23 it.</p> <p>24 Q. Okay.</p>
Page 10	Page 12
<p>1 Q. And where is your current work address, Mr.</p> <p>2 Slane?</p> <p>3 A. 261 West Johnstown Road, Columbus, Ohio</p> <p>4 43230.</p> <p>5 Q. Okay.</p> <p>6 Mr. Slane, have you ever been deposed before?</p> <p>7 A. I have.</p> <p>8 Q. When was the last time you were deposed? How</p> <p>9 recent?</p> <p>10 A. Last few years.</p> <p>11 Q. I am just going to give you a few</p> <p>12 reminders --</p> <p>13 A. Okay.</p> <p>14 Q. -- just to make sure that you recall the</p> <p>15 procedure.</p> <p>16 The court reporter is here taking down all of</p> <p>17 the questions that I am going to ask and she is going</p> <p>18 to take down all your answers. So we are going to try</p> <p>19 not to speak over each other because she can only copy</p> <p>20 down one of us at a time.</p> <p>21 Just, also, make sure that your answers are</p> <p>22 verbal. And if you have any question about my</p> <p>23 question, if you don't understand it or want me to</p> <p>24 rephrase it, please let me know. Otherwise, I will</p>	<p>1 If you could take Exhibit 46, which is the</p> <p>2 subpoena, and go to Page 3 of that document.</p> <p>3 A. Yes.</p> <p>4 Q. And do you recall reviewing this page of the</p> <p>5 subpoena before today?</p> <p>6 A. Yes.</p> <p>7 Q. And if you could go to Exhibit 47, which is</p> <p>8 your Notice of Deposition, and review Pages 2 and 3,</p> <p>9 and I'll ask you the same question: If you viewed</p> <p>10 these pages before today.</p> <p>11 A. Yes.</p> <p>12 Q. Yes, you did?</p> <p>13 A. Yes.</p> <p>14 Q. Did you bring any documents with you that</p> <p>15 were outlined on Page 3 of the subpoena?</p> <p>16 A. I did not.</p> <p>17 Q. Do you have any documents?</p> <p>18 A. I do not.</p> <p>19 Q. You do not. Okay.</p> <p>20 Did you do anything to prepare for the</p> <p>21 deposition today?</p> <p>22 A. No, not really.</p> <p>23 Q. Did you speak with anybody about the</p> <p>24 deposition?</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 13	Page 15
<p>1 A. I think I spoke with Jim a month or two ago, 2 he called, and -- and I think he advised me to answer 3 honestly. 4 Q. Okay. Jim Winton? 5 A. Yes. 6 Q. Mr. Winton is not your lawyer in this, for 7 purposes of this deposition; is he? 8 A. Correct. 9 (Discussion off the record.) 10 BY MS. OROZCO: 11 Q. Mr. Slane, where are you currently employed? 12 A. The Slane Company. 13 Q. What is The Slane Company? 14 A. It's a real estate development company. 15 Q. What is your position there? 16 A. I am one of the co-owners. 17 Q. Where is that located? 18 A. On Johnstown Road in Columbus. 19 Q. What is your position with -- Oh, sorry. 20 What are your day-to-day responsibilities 21 with The Slane Company, as co-owner? 22 A. Well, before the world fell apart, we were 23 developing real estate projects in various states in 24 The United States. After the world fell apart, I have</p>	<p>1 A. We had a waste energy company. 2 Q. What was the name of that? 3 A. Estech, E-S-T-E-C-H, U.S., LLC. I think -- 4 That's all I can remember at the moment. 5 Q. How long has The Slane Company been 6 operating? 7 A. Since 1984. 8 Q. What was your involvement with Estech U.S., 9 LLC? 10 A. We purchased technology from a Columbus 11 company in 2000. 12 MR. WINTON: I'm sorry. Was that Estech -- 13 you said U.S. -- or is it U.S.A., LLC? 14 THE WITNESS: I think that's right. I think 15 it's Estech U.S.A., comma, LLC. 16 BY MS. OROZCO: 17 Q. So the Estech U.S.A., LLC, entity purchased 18 technology? 19 A. Yes. 20 Q. And what was your role with that entity: 21 Estech U.S.A.? 22 A. I was one of the owners, along with my 23 brother, Charles. 24 Q. And did Estech U.S.A. have any other</p>
Page 14	Page 16
<p>1 been dealing with banks. 2 Q. Do you hold an officer position with The 3 Slane Company? 4 A. I am one of the co-owners. 5 Q. You are not a President or a CEO or 6 Vice President? 7 A. No. It's just a small, family-owned company. 8 Q. About how many employees does The Slane 9 Company employ, currently? 10 A. Three. 11 Q. Just all family members? 12 A. No, no. A bookkeeper, a CFO, and an office 13 manager -- property manager. 14 Q. Are they all located at the office in 15 Columbus? 16 A. Yes. 17 Q. Do you have any involvement in any other 18 companies besides The Slane Company? 19 A. Yes. 20 Q. What would those entities be? 21 A. Well, actually, I don't anymore. I did 22 before 2007. 23 Q. What companies were you involved in before 24 2007, in addition to The Slane Company?</p>	<p>1 employees besides yourself and Charles? 2 A. No -- Well, I'm sorry. We did. Yes, we did. 3 We had three employees in England. 4 Q. Were they employees of Estech U.S.A., LLC, or 5 a different entity? 6 A. At that time, it had a different name, and I 7 can't remember the name. 8 Q. And when did your involvement or relationship 9 with Estech U.S.A., LLC terminate? 10 A. Actually, it has never terminated. I still 11 have some interest in it. 12 Q. Okay. What is your interest in it today? 13 A. I'm not sure. We brought in a partner and 14 he's been authorized to take additional interest for 15 other partners, et cetera, so I'm not exactly sure what 16 my percentage is today. 17 Q. Do you have any role with respect to Estech 18 U.S.A., LLC, any active role? 19 A. No. 20 Q. And when did that active participation in 21 Estech U.S.A. terminate? 22 A. About two years ago. 23 Q. Any particular reason? 24 A. We were, really, unable to finance a project</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 17	Page 19
<p>1 so the company was, more or less, dormant.</p> <p>2 Q. Now, you said that you hired a partner who is</p> <p>3 now authorized to take an additional interest, and who</p> <p>4 is that?</p> <p>5 A. Jan Michalek, M-I-C-H-A-L-E-K. J-A-N is his</p> <p>6 first name.</p> <p>7 Q. What is his role in Estech U.S.A., LLC?</p> <p>8 A. He is the CEO.</p> <p>9 Q. And do you recall when he was hired?</p> <p>10 A. I think about 2006. In that area.</p> <p>11 Q. Did you have any role in hiring him?</p> <p>12 A. I did.</p> <p>13 Q. Did you know Mr. Michalek before he was hired</p> <p>14 to act as CEO of Estech U.S.A.?</p> <p>15 A. Briefly.</p> <p>16 Q. And how did you know him?</p> <p>17 A. Someone introduced me to him.</p> <p>18 Q. And when he started in 2006, what was his</p> <p>19 role?</p> <p>20 A. He was in charge of development of the</p> <p>21 project.</p> <p>22 He's an engineer.</p> <p>23 Q. What was the project?</p> <p>24 A. We were taking garbage and converting it into</p>	<p>1 LLC?</p> <p>2 A. No.</p> <p>3 Q. Is Mr. Michalek paid by Estech U.S.A., as</p> <p>4 CEO?</p> <p>5 A. No.</p> <p>6 MR. WINTON: I'm sorry. That was "no"?</p> <p>7 THE WITNESS: No.</p> <p>8 BY MS. OROZCO:</p> <p>9 Q. Does Estech U.S.A. generate income?</p> <p>10 A. No.</p> <p>11 Q. And where does Estech U.S.A. get its money to</p> <p>12 perform the project, we'll call it?</p> <p>13 A. Well, up until 2007, we were funding it.</p> <p>14 Q. "We," being The Slane Company?</p> <p>15 A. The Slane Company, yes.</p> <p>16 Q. Okay. And then what happened?</p> <p>17 A. We were unable to continue to fund it.</p> <p>18 Q. And who funds Estech U.S.A. now?</p> <p>19 A. There is a potential project with an Italian</p> <p>20 company called Falter.</p> <p>21 Q. Could you spell that?</p> <p>22 A. F-A-L-T-E-R, I think.</p> <p>23 Q. Who has been funding --</p> <p>24 Who funded Estech U.S.A. in 2007 when The</p>
Page 18	Page 20
<p>1 a fiber using a pressure vessel, and injecting steam at</p> <p>2 very high temperatures and washing the garbage.</p> <p>3 Q. Was that the purpose of Estech U.S.A., LLC?</p> <p>4 A. Yes.</p> <p>5 Q. Did Estech U.S.A., LLC engage in any other</p> <p>6 projects?</p> <p>7 A. No.</p> <p>8 Q. And is that the purpose of Estech U.S.A.</p> <p>9 today?</p> <p>10 A. Yes.</p> <p>11 Q. And is it still involved in that project of</p> <p>12 converting garbage into fiber?</p> <p>13 A. Yes.</p> <p>14 Q. How many employees does Estech U.S.A., LLC,</p> <p>15 have today?</p> <p>16 A. None.</p> <p>17 Q. None.</p> <p>18 And Mr. Michalek is the CEO?</p> <p>19 A. Yes.</p> <p>20 Q. Are there any other officers?</p> <p>21 A. No.</p> <p>22 Q. Are there any directors?</p> <p>23 A. No.</p> <p>24 Q. Are there any affiliates to Estech U.S.A.,</p>	<p>1 Slane Company's funding terminated?</p> <p>2 A. No one.</p> <p>3 Q. Did it operate?</p> <p>4 A. No, not really.</p> <p>5 Q. Does it now operate?</p> <p>6 A. No -- well, it's -- it's doing some testing.</p> <p>7 Q. And what do you mean by that?</p> <p>8 A. Falter sells diapers in Italy, and when you</p> <p>9 buy a diaper in Italy, you have to pay for the disposal</p> <p>10 cost, which exceeds the cost of the diaper, and Falter</p> <p>11 is trying to determine if the process can treat</p> <p>12 diapers.</p> <p>13 Q. The process is similar to the process of</p> <p>14 converting garbage into fiber?</p> <p>15 A. Correct. The concept being that they would</p> <p>16 mix the diapers with garbage.</p> <p>17 Q. Okay. Do you know if Falter is currently</p> <p>18 funding Estech U.S.A. at all?</p> <p>19 A. They are, for the tests.</p> <p>20 Q. And does Estech U.S.A. do any other business</p> <p>21 or projects besides this current test involving the</p> <p>22 diapers with Falter?</p> <p>23 A. No.</p> <p>24 Q. Do you know if Mr. Michalek works anywhere</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 21	Page 23
<p>1 else besides Estech U.S.A.?</p> <p>2 A. He works at other part-time jobs, it's my</p> <p>3 understanding, yes.</p> <p>4 Q. But he generates no salary or compensation</p> <p>5 for his role in Estech U.S.A.?</p> <p>6 A. Correct.</p> <p>7 Q. Where is Estech U.S.A. incorporated to do</p> <p>8 business?</p> <p>9 A. Ohio. It's a Limited Liability Company -- an</p> <p>10 Ohio Limited Liability Company.</p> <p>11 Q. Do you know if it does business in any other</p> <p>12 jurisdictions outside of Ohio?</p> <p>13 A. It does not.</p> <p>14 Q. Does Estech U.S.A. have any joint ventures --</p> <p>15 joint-venture relationships with any other entities?</p> <p>16 A. No.</p> <p>17 Q. What about The Slane Company? Does The Slane</p> <p>18 Company have any joint-venture relationships with any</p> <p>19 companies?</p> <p>20 A. No.</p> <p>21 Q. Does The Slane Company have any subsidiaries?</p> <p>22 A. No. We have single-entity companies that own</p> <p>23 real estate projects.</p> <p>24 Q. The Slane Company has single-entity</p>	<p>1 any single-entity companies?</p> <p>2 A. He does not.</p> <p>3 Q. And is Estech U.S.A. owned at all by The</p> <p>4 Slane Company?</p> <p>5 A. No.</p> <p>6 Q. Would you consider the Estech U.S.A. entity</p> <p>7 to be one of the single-entity companies that we were</p> <p>8 speaking about?</p> <p>9 A. No.</p> <p>10 Q. And when you say you have an interest in</p> <p>11 Estech U.S.A., LLC, can you tell me what that interest</p> <p>12 is?</p> <p>13 A. I formed the trust and the trust owns some</p> <p>14 undisclosed amount of interest and that amount is yet</p> <p>15 to be determined depending upon how much Jan has to</p> <p>16 give away for other potential employees that we are</p> <p>17 seeking in the event the Falter contract materializes.</p> <p>18 Q. What's the name of the trust that was formed?</p> <p>19 A. The Daniel M. Slane Trust.</p> <p>20 Q. And is it fair to say that it's the trust</p> <p>21 that owns the interest in Estech U.S.A.?</p> <p>22 A. Correct -- My interest, yes, correct.</p> <p>23 Q. And in the event that the business with</p> <p>24 Falter becomes successful or results in potential</p>
Page 22	Page 24
<p>1 companies?</p> <p>2 A. Correct.</p> <p>3 Q. How many of those are there?</p> <p>4 A. Numerous.</p> <p>5 Q. And are they subsidiaries of The Slane</p> <p>6 Company, or affiliates? How would you classify them?</p> <p>7 A. Yeah, I would say affiliates. Yeah.</p> <p>8 When we would do a real estate project,</p> <p>9 often, we would do it in the name of an individual LLC</p> <p>10 that would be owned, ultimately, by The Slane Company.</p> <p>11 Q. Can you give me an example?</p> <p>12 A. Yes.</p> <p>13 If we were to build this building, we would</p> <p>14 form a company called "East Broad, LLC," and that</p> <p>15 entity would own the project and we would own the</p> <p>16 entity.</p> <p>17 Q. Do you know about how many single-entity</p> <p>18 companies exist today?</p> <p>19 A. I don't.</p> <p>20 Q. Does Mr. Michalek have any involvement in The</p> <p>21 Slane Company other than his position with Estech</p> <p>22 U.S.A.?</p> <p>23 A. He does not.</p> <p>24 Q. What about, does he have any position with</p>	<p>1 employees being hired by Estech U.S.A., would you have</p> <p>2 an input in that?</p> <p>3 A. No. It's my understanding that Falter would</p> <p>4 control the project and pay us some type of royalty.</p> <p>5 Q. Do you know if Falter has any offices in the</p> <p>6 U.S.?</p> <p>7 A. They are 50 percent owned by Procter &</p> <p>8 Gamble.</p> <p>9 Q. What role, if any, would you have in Estech</p> <p>10 U.S.A., LLC, if the Falter project became successful or</p> <p>11 started to take off?</p> <p>12 A. None.</p> <p>13 Q. Would you receive any compensation or any</p> <p>14 distribution?</p> <p>15 A. Eventually, I might be entitled to some</p> <p>16 portion of the royalties -- at least the trust would</p> <p>17 be.</p> <p>18 Q. And is that set out in the trust document?</p> <p>19 A. No.</p> <p>20 Q. Is that defined anywhere?</p> <p>21 A. The interest, you mean?</p> <p>22 Q. Yes.</p> <p>23 A. Well, it is in the trust document, yes. I'm</p> <p>24 sorry. Uh-huh.</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 25	Page 27
<p>1 Q. And who else --</p> <p>2 I apologize, I may have already asked, but</p> <p>3 who else, besides yourself, has an interest in Estech</p> <p>4 U.S.A.?</p> <p>5 A. My brother, Charles.</p> <p>6 Q. Charles Slane?</p> <p>7 A. Yes.</p> <p>8 Q. Anyone else?</p> <p>9 A. No.</p> <p>10 Q. What is your brother's role in Estech U.S.A.?</p> <p>11 A. He is an investor.</p> <p>12 Q. Anything else?</p> <p>13 A. No.</p> <p>14 Q. Does he also have a trust?</p> <p>15 A. Yes.</p> <p>16 Q. And is it the Charles Slane Trust?</p> <p>17 A. Yes.</p> <p>18 Q. Would he also have very little role in the</p> <p>19 future of the company even if the business with Falter</p> <p>20 becomes successful?</p> <p>21 A. Yes.</p> <p>22 Q. Is it fair to say that you and your brother</p> <p>23 share the same type of interest in Estech U.S.A.?</p> <p>24 A. Yes.</p>	<p>1 Q. What about your brother, Charles; is he</p> <p>2 involved at all in The Slane Company?</p> <p>3 A. Yes.</p> <p>4 Q. Does he also have a physical office at the</p> <p>5 property in Johnstown --</p> <p>6 A. Yes.</p> <p>7 Q. -- I mean, on Johnstown Road, I think you</p> <p>8 said.</p> <p>9 What do you do on a daily basis in your</p> <p>10 office?</p> <p>11 A. Talk to banks and lawyers.</p> <p>12 Q. What about your brother? Is his role</p> <p>13 similar?</p> <p>14 A. Similar.</p> <p>15 Q. Anything else you can think of?</p> <p>16 A. No, not really.</p> <p>17 Q. Have you ever heard of an entity called</p> <p>18 "Estech Trading, LLC"?</p> <p>19 A. Yes.</p> <p>20 Q. And how --</p> <p>21 MR. WINTON: Claurisse, could I ask a favor?</p> <p>22 MS. OROZCO: Sure.</p> <p>23 MR. WINTON: Before you go down that path. I</p> <p>24 was waiting for you to hit a conceptual break.</p>
Page 26	Page 28
<p>1 Q. Does The Slane Company do any advertising?</p> <p>2 A. No.</p> <p>3 Q. Now, you said you had, in the Columbus</p> <p>4 office, a bookkeeper, a CFO and a property manager.</p> <p>5 A. Yes.</p> <p>6 Q. Who is the CFO?</p> <p>7 A. Mark Roth.</p> <p>8 Q. And what about the property manager?</p> <p>9 A. Marcia McCoy.</p> <p>10 Q. And the bookkeeper?</p> <p>11 A. Candice. Her last name escapes me.</p> <p>12 Q. Do you have a secretary or a --</p> <p>13 A. No.</p> <p>14 Q. And do they all work part-time for Slane</p> <p>15 Company?</p> <p>16 A. No, they work full-time.</p> <p>17 Q. Full-time.</p> <p>18 Salaried?</p> <p>19 A. Yes.</p> <p>20 Q. Do you have a physical office in The Slane</p> <p>21 Company, at the Johnstown address?</p> <p>22 A. Yes.</p> <p>23 Q. And do you work there every day?</p> <p>24 A. Yes.</p>	<p>1 (Recess taken.)</p> <p>2 BY MS. OROZCO:</p> <p>3 Q. And how have you heard of that company?</p> <p>4 A. I formed it.</p> <p>5 Q. What is Estech Trading, LLC?</p> <p>6 A. It's a single-entity company that is owned by</p> <p>7 Jan Michalek.</p> <p>8 Q. Do you have any --</p> <p>9 Beyond forming Estech Trading, do you have</p> <p>10 any role with Estech Trading?</p> <p>11 A. No.</p> <p>12 Q. Do you have any --</p> <p>13 Are you an officer of Estech Trading?</p> <p>14 A. No.</p> <p>15 Q. Are you a director?</p> <p>16 A. No.</p> <p>17 Q. Is Jan Michalek the only owner of Estech</p> <p>18 Trading?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know what the purpose of Estech</p> <p>21 Trading is?</p> <p>22 A. Commodities trading.</p> <p>23 Q. What type of --</p> <p>24 Any particular type of commodity?</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 29	Page 31
<p>1 A. No.</p> <p>2 Q. Does Estech Trading have any employees?</p> <p>3 A. Not to my knowledge.</p> <p>4 Q. Do you know what Mr. Michalek's role is, if</p> <p>5 any, with Estech Trading, besides being owner?</p> <p>6 A. He is the principal.</p> <p>7 Q. Does he have any actual duties with Estech</p> <p>8 Trading?</p> <p>9 A. Not to my knowledge.</p> <p>10 Q. Where are Estech Trading's offices?</p> <p>11 A. 60 Elm Street, Canal Winchester, Ohio.</p> <p>12 Q. Does Estech Trading have any offices outside</p> <p>13 of Ohio?</p> <p>14 A. I don't know.</p> <p>15 Q. What about in Ohio, outside of Canal</p> <p>16 Winchester?</p> <p>17 A. I don't know.</p> <p>18 Q. Do you know</p> <p>19 When did you form Estech Trading?</p> <p>20 A. 2010.</p> <p>21 Q. Is Estech Trading affiliated with Estech</p> <p>22 U.S.A.?</p> <p>23 A. No.</p> <p>24 Q. What about The Slane Company; is it</p>	<p>1 A. Yes.</p> <p>2 Q. When it was created, was the sale of iron ore</p> <p>3 to a Chinese steel company the only contemplated</p> <p>4 business for Estech Trading?</p> <p>5 A. I don't know.</p> <p>6 MR. WINTON: I'm sorry, I couldn't hear you.</p> <p>7 THE WITNESS: I do not know.</p> <p>8 MR. WINTON: Thank you.</p> <p>9 BY MS. OROZCO:</p> <p>10 Q. Do you know if Estech Trading is still in</p> <p>11 business?</p> <p>12 A. Yes.</p> <p>13 Q. And is Jan Michalek still the only individual</p> <p>14 involved with Estech Trading?</p> <p>15 A. To my knowledge.</p> <p>16 Let me go back, Clairisse.</p> <p>17 Q. Sure.</p> <p>18 A. I don't know whether it's still in existence.</p> <p>19 I mean, I've lost track of it.</p> <p>20 Q. Okay.</p> <p>21 When Estech U.S.A., LLC, was formed, was that</p> <p>22 company also formed by you? The "U.S.A." entity.</p> <p>23 A. My brother may have done it. I'm not sure.</p> <p>24 Q. Is there any particular significance to the</p>
Page 30	Page 32
<p>1 affiliated with The Slane Company?</p> <p>2 A. No.</p> <p>3 Q. Did The Slane Company provide any startup</p> <p>4 capital or investment in Estech Trading?</p> <p>5 A. No.</p> <p>6 Q. Do you know where Estech Trading received</p> <p>7 startup capital, if any?</p> <p>8 A. No.</p> <p>9 Q. Where did the idea for Estech Trading come</p> <p>10 from?</p> <p>11 A. Jan.</p> <p>12 Q. Is there any reason why he asked you to form</p> <p>13 the company instead of him doing it, himself?</p> <p>14 A. He wanted me to help him with the legal work</p> <p>15 and put up a performance bond to a Chinese steel</p> <p>16 company for the purchase of iron ore.</p> <p>17 Q. To purchase the steel from the Chinese</p> <p>18 company?</p> <p>19 A. No. To purchase iron ore for the Chinese</p> <p>20 steel company.</p> <p>21 Q. Okay, to purchase.</p> <p>22 A. Uh-huh.</p> <p>23 Q. Was that the reason that Estech Trading was</p> <p>24 created?</p>	<p>1 use of the word, "Estech"?</p> <p>2 A. No. I -- Jan asked me to -- to form the</p> <p>3 company and that was his name.</p> <p>4 Q. Do you know when Estech U.S.A. --</p> <p>5 Not the "Trading," now. Back to "U.S.A." Do</p> <p>6 you know when that company was formed?</p> <p>7 A. 2000, or right around there.</p> <p>8 Q. And it was either formed by yourself or your</p> <p>9 brother?</p> <p>10 A. Yes.</p> <p>11 Q. Now, back to Estech Trading, okay? With</p> <p>12 respect to the Performance Bond to purchase iron ore</p> <p>13 for a Chinese steel company, can you tell me about that</p> <p>14 contract that Estech Trading was going to be involved</p> <p>15 in?</p> <p>16 A. Jan had a contract to supply the steel</p> <p>17 company with iron ore. The contract required a</p> <p>18 Performance Bond and he asked me to put up the</p> <p>19 Performance Bond.</p> <p>20 Q. When you say he asked you: He asked you,</p> <p>21 personally, or he asked The Slane Company?</p> <p>22 A. He asked me, personally.</p> <p>23 Q. And did you do that?</p> <p>24 A. I did.</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 33	Page 35
<p>1 Q. Do you recall the name of the Chinese 2 company? 3 A. Taiwan Steel. 4 Don't ask me to spell it, please. 5 Q. Do you recall the amount of that Performance 6 Bond? 7 A. \$340,000. 8 Q. What bank was that issued from? 9 A. Well, the Chinese steel company required the 10 cash in their account at a Chinese bank in China. 11 Q. And was that transfer made? 12 A. It was. 13 Q. Did the money come out of your personal 14 finances or did it come from The Slane Company? 15 A. Came from my personal finances. 16 Q. When was that transfer made? 17 A. Approximately October 2010. 18 Q. Did Estech Trading sell the iron ore to the 19 Chinese company? 20 A. No. The deal collapsed. 21 Q. Do you know why it collapsed? 22 A. The miner was unable to perform. 23 Q. When you say "miner," it's M-I-N-E-R? 24 A. Yes. Yes.</p>	<p>1 concluded? 2 A. No -- 3 Q. Do you know why? 4 A. -- not -- well, I -- I don't know if it was 5 ever concluded. I -- we had a shipping person, whose 6 name was Johan Schild. 7 Q. Johan, J-O-H-A-N? 8 A. Yes. 9 Q. Okay. 10 A. And it was really Johan's job to deal with 11 all of the paperwork and the contracts, et cetera. He 12 was a shipping expert. 13 Q. Okay. When you say, "we had a shipping 14 person," do you mean you and Mr. Michalek? 15 A. Mr. Michalek had him, yeah. 16 Q. Okay. And Johan Schild, was he employed by 17 Estech Trading? 18 A. No. 19 Q. Is he employed by an independent third party? 20 A. I think he's a -- some sort of a ship broker. 21 Q. Okay. Do you know where he is located, or 22 his office? 23 A. Yes. Alabama. What's -- It's some small 24 town on the coast, Gulfport or someplace down there in</p>
Page 34	Page 36
<p>1 Q. Okay. Do you know why? 2 A. No, I do not know why. 3 Q. Do you know where the iron ore was supposed 4 to come from? 5 A. Mexico. 6 Q. Did you have any other role with respect to 7 this transaction for the sale of the iron ore from the 8 Mexican miner to Taiwan Steel? 9 A. Yes. Jan had arranged for shipping. The ore 10 was to be sold to the steel company, CIF, and Jan's 11 shipping contract, for whatever reason, fell apart at 12 the end of November and he asked me to help him acquire 13 a ship. 14 Q. And did you do that? 15 A. Yes. 16 Q. And, again, when he asked you: He asked you, 17 personally, or The Slane Company? 18 A. He asked me, personally. 19 Q. And what was your role with respect to 20 helping him acquire a ship? 21 A. He gave me the name of a Russian shipping 22 company, a Yuriy-something-or-another, and I started to 23 interact with him on the telephone and through e-mails. 24 Q. And was a contract for the ship ever</p>	<p>1 Alabama. 2 Q. You had said earlier that Mr. Michalek gave 3 you the name of a Russian shipping company and you 4 communicated with an individual, Yuriy? 5 A. Yes. 6 Q. Do you know where Mr. Michalek got the name 7 of that shipping company? 8 A. I do not. 9 Q. Okay. 10 With respect to the negotiation for the 11 ship -- for the ship contract, did you have any 12 involvement? After your initial contact with Yuriy via 13 telephone and e-mail, did you have continuous 14 involvement in the shipping contract? 15 A. For a period of time, I did. 16 Q. Do you recall what that timeframe was? 17 A. I think it started November 30th, December 18 1st, right in there. 19 Q. Do you recall when your role concluded with 20 respect to the shipping contract? 21 A. Toward the end of December. 22 Q. Do you know whether Mr. Michalek communicated 23 at all with the Russian shipping company? 24 A. I believe he did.</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 37	Page 39
<p>1 Q. Did you communicate with Yuriy directly or</p> <p>2 through Johan?</p> <p>3 A. Both.</p> <p>4 Q. Did there ever come a time where your</p> <p>5 communication did not involve Johan?</p> <p>6 A. No.</p> <p>7 Q. Was there ever a time when your communication</p> <p>8 was only through Johan?</p> <p>9 A. No.</p> <p>10 Q. Okay.</p> <p>11 I am going to show you a document that has</p> <p>12 been marked as Exhibit 26 at an earlier deposition and</p> <p>13 I am going to represent to you that it's out of</p> <p>14 order -- the pages are out of order but this is how it</p> <p>15 was produced to us when it was marked. It's not my</p> <p>16 version. But just take a moment to look at that,</p> <p>17 please.</p> <p>18 (Discussion off the record.)</p> <p>19 BY MS. OROZCO:</p> <p>20 Q. Mr. Slane, have you ever seen a copy of</p> <p>21 Exhibit 26 before today?</p> <p>22 A. I don't think so.</p> <p>23 Q. Okay. I am going to draw your attention</p> <p>24 to -- Exhibit 26 was marked at the deposition of Garth</p>	<p>1 receiving this two-page e-mail?</p> <p>2 A. No.</p> <p>3 Q. Do you recall at all what the terms of the</p> <p>4 shipping contract, which I have just shown you as</p> <p>5 Exhibit 26, were?</p> <p>6 A. No.</p> <p>7 Q. Do you know why Mr. Michalek was seeking to</p> <p>8 employ a ship?</p> <p>9 A. Yes. He was required to transport the ore to</p> <p>10 China.</p> <p>11 Q. So the transportation was part of Estech</p> <p>12 Trading's responsibility under the sales contract?</p> <p>13 A. Correct.</p> <p>14 Q. Do you know who the parties were to the sales</p> <p>15 contract?</p> <p>16 A. Estech Trading Company and Taiwan Steel.</p> <p>17 Q. Other than the Performance Bond for \$340,000,</p> <p>18 did you have any other interest or involvement with the</p> <p>19 sales contract?</p> <p>20 A. No.</p> <p>21 Q. What about The Slane Company? Did The Slane</p> <p>22 Company have any interest or involvement with the sales</p> <p>23 contract?</p> <p>24 A. No.</p>
Page 38	Page 40
<p>1 Wolfson and has Bates Numbers M&K 0087 through 00107,</p> <p>2 which Mr. Winton was kind enough to have marked, and I</p> <p>3 am just going to refer you to specific pages of this</p> <p>4 Exhibit 26. It's Pages 97 and 98, which is the fixture</p> <p>5 recap, and ask if that two-page e-mail looks familiar</p> <p>6 to you.</p> <p>7 A. No, not really.</p> <p>8 Q. Is that your e-mail at the top of that Page</p> <p>9 0097?</p> <p>10 Do you see your e-mail address?</p> <p>11 A. Yes I do.</p> <p>12 Yes, that is.</p> <p>13 Q. Do you recall receiving this document?</p> <p>14 A. No.</p> <p>15 Q. Can you just tell me who else is in the two</p> <p>16 lines -- the other e-mails, if they look familiar to</p> <p>17 you, at the top. It says mnfchart@otenet.gr.</p> <p>18 A. No, I don't know who that is.</p> <p>19 Q. Okay. And what about jkm@estechusallc?</p> <p>20 A. That's Jan.</p> <p>21 Q. And is this your e-mail:</p> <p>22 dslane@theslanecompany.com?</p> <p>23 A. Yes.</p> <p>24 Q. But you don't have any recollection of</p>	<p>1 Q. There was no guarantee issued by yourself or</p> <p>2 The Slane Company?</p> <p>3 A. No.</p> <p>4 Q. Do you know who negotiated the terms of the</p> <p>5 Charter Party, which is the shipping contract we just</p> <p>6 looked at as Exhibit 26?</p> <p>7 A. I do not.</p> <p>8 Q. I am going to mark this next document as</p> <p>9 Exhibit 48. We produced this as Milestone Pages 1, 2</p> <p>10 and 3.</p> <p>11 - - -</p> <p>12 A THREE-PAGE DOCUMENT ENTITLED,</p> <p>13 "ESCROW AGREEMENT DATED 2/12/10,"</p> <p>14 BATES-STAMPED MILESTONE00000001</p> <p>15 THROUGH 0003, WAS MARKED AS EXHIBIT</p> <p>16 48.</p> <p>17 - - -</p> <p>18 BY MS. OROZCO:</p> <p>19 Q. Exhibit 48, yes, just take a moment and look</p> <p>20 at that document. I am going to ask you a few</p> <p>21 questions about it.</p> <p>22 A. Okay.</p> <p>23 Q. Have you ever seen that document prior to</p> <p>24 today?</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 41	Page 43
<p>1 A. I have not.</p> <p>2 Q. You have never seen this document?</p> <p>3 A. Not that I can recall.</p> <p>4 Q. Do you recall whether or not the terms of the</p> <p>5 Charter Party required Estech Trading to put \$500,000</p> <p>6 into an escrow account as security for performance of</p> <p>7 the Charter Party, which is the shipping contract?</p> <p>8 A. That's what they were requesting.</p> <p>9 Q. That's what who was requesting?</p> <p>10 A. The shipping company.</p> <p>11 Q. And do you know what led to that request?</p> <p>12 A. They claimed -- the shipping company claimed</p> <p>13 that there were costs associated with relocating the</p> <p>14 ship from China to Mexico.</p> <p>15 Q. Do you know whether or not Estech Trading put</p> <p>16 that \$500,000 into the escrow account?</p> <p>17 A. I do not.</p> <p>18 Q. Did Mr. Michalek ever ask you, Dan Slane,</p> <p>19 personally, to lend him \$500,000 to fund this escrow</p> <p>20 account?</p> <p>21 A. Yes.</p> <p>22 Q. Do you recall when he asked you that?</p> <p>23 A. Well, it must have been the 1st of December,</p> <p>24 in that area -- end of November, beginning of December.</p>	<p>1 Q. And who is Marie Cush? See it at the top?</p> <p>2 Do you know who that is?</p> <p>3 A. Where is that?</p> <p>4 Q. At the very top left corner. It was</p> <p>5 printed -- looks like this e-mail was printed from</p> <p>6 Marie Cush's computer.</p> <p>7 A. No, I don't know who that --</p> <p>8 Where is that?</p> <p>9 Q. Right here (indicating).</p> <p>10 A. Oh.</p> <p>11 Q. Actually, I think she actually worked in</p> <p>12 Mr. Wolfson's office, the person who produced --</p> <p>13 A. No, I don't know who she is.</p> <p>14 Q. Okay. But you don't recall sending this</p> <p>15 e-mail with the attached LC Copy to M. Seward?</p> <p>16 A. No, I don't recall it.</p> <p>17 Q. Does this Letter of Credit look familiar to</p> <p>18 you at all?</p> <p>19 A. Yes.</p> <p>20 Q. All right. And do you know what this Letter</p> <p>21 of Credit references -- or what the purpose of this</p> <p>22 Letter of Credit was?</p> <p>23 A. The Chinese steel company had put up a Letter</p> <p>24 of Credit.</p>
Page 42	Page 44
<p>1 Q. And did you lend him this \$500,000?</p> <p>2 A. I did not.</p> <p>3 Q. Did The Slane Company entity lend Mr.</p> <p>4 Michalek the \$500,000?</p> <p>5 A. No.</p> <p>6 Q. Do you know if Estech Trading ever received</p> <p>7 the \$500,000 from anybody so that it could comply with</p> <p>8 the terms of this Escrow Agreement?</p> <p>9 A. No.</p> <p>10 Q. I am going to back up a little bit and go to</p> <p>11 two exhibits that were previously marked at the</p> <p>12 deposition of Garth Wolfson again. It's Exhibits 8 and</p> <p>13 9. Just ask you to take a moment to look at those two</p> <p>14 documents.</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Starting with Exhibit 8, which has a</p> <p>17 cover sheet of an e-mail from Dan Slane to M. Seward,</p> <p>18 and the "Attachment" says: "LC Copy Tianjin</p> <p>19 Materials." Are you familiar with the document that's</p> <p>20 attached to the cover page of Exhibit 8?</p> <p>21 A. No.</p> <p>22 Q. Do you recall sending this document to M.</p> <p>23 Seward on December 1st, 2010?</p> <p>24 A. No.</p>	<p>1 Q. And do you recall what the purpose of them</p> <p>2 putting up a Letter of Credit was?</p> <p>3 A. For the purchase of the ore and the shipping.</p> <p>4 Q. But this document had nothing to do with the</p> <p>5 Letter of Credit that you funded for Mr. Michalek for</p> <p>6 the purchase of the ore?</p> <p>7 A. Correct.</p> <p>8 Q. This is a separate Letter of Credit from the</p> <p>9 Chinese steel company?</p> <p>10 A. Correct.</p> <p>11 Q. All right.</p> <p>12 If you could look at --</p> <p>13 MR. WINTON: Claurisse, you said the Letter</p> <p>14 of Credit --</p> <p>15 MS. OROZCO: I'm sorry. I mean the</p> <p>16 Performance Bond.</p> <p>17 THE WITNESS: Yeah.</p> <p>18 MS. OROZCO: Thank you.</p> <p>19 MR. WINTON: Okay.</p> <p>20 BY MS. OROZCO:</p> <p>21 Q. If I could draw your attention to Exhibit 9,</p> <p>22 which is what you are now looking at, and just review</p> <p>23 that for a moment.</p> <p>24 A. Yes.</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 45	Page 47
<p>1 Q. Have you seen this document before today?</p> <p>2 A. Yes.</p> <p>3 Q. And what is this document?</p> <p>4 A. This is a document assigning proceeds from</p> <p>5 the Letter of Credit to the miner.</p> <p>6 Q. Is this the --</p> <p>7 When you say "to the miner," is that the</p> <p>8 miner in Mexico?</p> <p>9 A. Yes.</p> <p>10 Q. On Page 2 of Exhibit 9, which is marked</p> <p>11 M&K-0016, where it says -- right in the top third, it</p> <p>12 says, "Exact Name of Assignee: Jaime Martinez Dura,</p> <p>13 General Manager; Grupo Martinez Hipolito ..." is that</p> <p>14 the miner in Mexico who was supposed to provide the</p> <p>15 iron?</p> <p>16 A. Yes.</p> <p>17 Q. Was this the iron that was going to be</p> <p>18 shipped on the vessel that you were helping Mr.</p> <p>19 Michalek contract with?</p> <p>20 A. Yes.</p> <p>21 Q. Do you recall sending this e-mail to M.</p> <p>22 Seward on December 1st, 2010, as indicated in the cover</p> <p>23 letter?</p> <p>24 A. Yes.</p>	<p>1 company?</p> <p>2 A. I do not. I do not.</p> <p>3 Q. Did Mr. Michalek ever ask you for any input</p> <p>4 on the Escrow Agreement, which is Exhibit 48?</p> <p>5 A. No.</p> <p>6 Q. And you stated earlier that you do not know</p> <p>7 whether or not Mr. Michalek ever received the funds as</p> <p>8 required by the Escrow Agreement; is that correct?</p> <p>9 A. Correct.</p> <p>10 Q. Did you ever do anything to assist Mr.</p> <p>11 Michalek in attempting to obtain the \$500,000 for the</p> <p>12 Escrow Agreement?</p> <p>13 A. Yes.</p> <p>14 Q. What was that?</p> <p>15 A. I went to a friend of mine and asked him to</p> <p>16 consider doing it.</p> <p>17 Q. And who was that?</p> <p>18 A. Jerry Jacobs.</p> <p>19 Q. And who is Mr. Jacobs?</p> <p>20 A. He's an owner of an oil and gas company.</p> <p>21 Q. What is the name of that company?</p> <p>22 A. American Standard Energy (sic).</p> <p>23 Q. American Standard Energy (sic)?</p> <p>24 A. Yeah. I think that's it, or something</p>
Page 46	Page 48
<p>1 Q. Do you know who --</p> <p>2 Do you recall who Mr. Seward is in this</p> <p>3 transaction?</p> <p>4 A. He is an attorney representing the shipping</p> <p>5 company, in England.</p> <p>6 Q. When did you first have any communication</p> <p>7 with Mr. Seward?</p> <p>8 A. Early December. Maybe December 1st, November</p> <p>9 30th, someplace in there.</p> <p>10 Q. Do you recall what the nature of your first</p> <p>11 communication with him was?</p> <p>12 A. No.</p> <p>13 Q. Did you ever speak to Mr. Seward on the</p> <p>14 phone?</p> <p>15 A. Yes.</p> <p>16 Q. What was the nature of the -- or the purpose</p> <p>17 for your conversations?</p> <p>18 A. How to assign part of the Chinese Letter of</p> <p>19 Credit to the shipping company.</p> <p>20 Q. What was the purpose of that, or the need</p> <p>21 behind that?</p> <p>22 A. As collateral or security for their shipment.</p> <p>23 Q. Do you know if that was ever done; I mean the</p> <p>24 assigning part of the Letter of Credit to the shipping</p>	<p>1 similar.</p> <p>2 Q. Have you ever heard of a company called</p> <p>3 "American Energy Services"?</p> <p>4 A. That's it. Thank you.</p> <p>5 Yes. That's correct. I stand corrected.</p> <p>6 Q. That's okay.</p> <p>7 And where is American Energy Services?</p> <p>8 A. Columbus.</p> <p>9 Q. And what kind of business do they do?</p> <p>10 A. Well, it's my understanding they do oil and</p> <p>11 gas investments.</p> <p>12 Q. Do you know if American Energy Services has</p> <p>13 any offices outside of Ohio?</p> <p>14 A. I do not.</p> <p>15 Q. Do you recall when you approached Mr. Jacobs</p> <p>16 regarding this \$500,000?</p> <p>17 A. About December 1st.</p> <p>18 Q. And what was his response to your request?</p> <p>19 A. He would consider doing it if he had</p> <p>20 sufficient collateral and security.</p> <p>21 Q. Do you know if Mr. Jacobs ever did, in fact,</p> <p>22 provide the \$500,000 to Estech Trading?</p> <p>23 A. I do not.</p> <p>24 Q. Did you ever have any further communications</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 49	Page 51
<p>1 with Mr. Jacobs or Mr. Michalek regarding collateral</p> <p>2 and security to American Energy Services so that they</p> <p>3 could make this transfer of the \$500,000?</p> <p>4 A. No.</p> <p>5 Q. Did you ever put Mr. Jacobs in direct contact</p> <p>6 with Mr. Michalek?</p> <p>7 A. Yes.</p> <p>8 Q. And do you know whether or not they</p> <p>9 communicated directly?</p> <p>10 A. I believe they did.</p> <p>11 Q. But you don't know whether or not the</p> <p>12 \$500,000 was actually ever provided from Mr. Jacobs to</p> <p>13 Estech Trading?</p> <p>14 A. I do not.</p> <p>15 Q. And you also testified that you do not know</p> <p>16 whether the Charter Party or the contract for the ship</p> <p>17 was ever concluded; is that correct?</p> <p>18 A. Correct.</p> <p>19 Q. Can you tell me whether or not Mr. Michalek</p> <p>20 has any role with The Slane Company?</p> <p>21 A. He does not.</p> <p>22 Q. He is not an officer or director?</p> <p>23 A. He is not.</p> <p>24 Q. I am going to mark the next exhibit, which is</p>	<p>1 these e-mail communications?</p> <p>2 A. Yes, some of them, uh-huh.</p> <p>3 Q. Yeah?</p> <p>4 A. Yes.</p> <p>5 Q. I am going to refer you to the Exhibit 49</p> <p>6 page, at the bottom left, it says Milestone 0060 but</p> <p>7 it's Page 3 of the actual e-mail chain.</p> <p>8 A. Uh-huh.</p> <p>9 Q. And the first full message at the top is from</p> <p>10 you -- from Dan Slane -- to Marine Business Exchange</p> <p>11 and Jan Michalek and Chartering Chaika-Agency, where</p> <p>12 you say: "Johan: I told Yuri (sic) you would be the</p> <p>13 main contact for the shipping issues regarding the</p> <p>14 port, et cetera. When you get time, please contact him</p> <p>15 via e-mail. Thanks, Dan."</p> <p>16 Who was "Johan" that you were speaking to in</p> <p>17 this -- or directing this e-mail message to?</p> <p>18 A. Johan was the shipping expert that was</p> <p>19 helping Jan with the shipping.</p> <p>20 Q. Okay. So he is the ship broker, as far as</p> <p>21 you recall?</p> <p>22 A. Yes, yes.</p> <p>23 Q. And when you say -- you say, "I told Yuri</p> <p>24 (sic)," is Yuriy the individual at the shipping company</p>
Page 50	Page 52
<p>1 a series of e-mail communications that we produced.</p> <p>2 It's Milestone-0058 through 0063.</p> <p>3 - - -</p> <p>4 A SIX-PAGE E-MAIL STRING, BEGINNING</p> <p>5 WITH AN M&F CHARTERING/CHARTERING</p> <p>6 CHAIKA-AGENCY, RECEIVED: 11/30/10,</p> <p>7 BATES-STAMPED MILESTONE00000058</p> <p>8 THROUGH 0063, WAS MARKED AS EXHIBIT</p> <p>9 49.</p> <p>10 - - -</p> <p>11 MR. WINTON: Claurisse, 059 is Exhibit 19.</p> <p>12 MS. OROZCO: Oh. It starts with Exhibit 19?</p> <p>13 MR. WINTON: It is Exhibit 19 -- No, I'm</p> <p>14 sorry. I'm looking at Mahoney.</p> <p>15 MS. OROZCO: Yeah. No, this is Milestone.</p> <p>16 MR. WINTON: I'm sorry. My mistake.</p> <p>17 BY MS. OROZCO:</p> <p>18 Q. Okay. And just take a moment to, you know,</p> <p>19 review the string of e-mails.</p> <p>20 A. Okay.</p> <p>21 Q. Okay?</p> <p>22 This appears to be a string of e-mail</p> <p>23 communications between the ship owner and Mr. Michalek</p> <p>24 and yourself. Do you recall being involved in any of</p>	<p>1 that you communicated with?</p> <p>2 A. Yes.</p> <p>3 Q. And who retained Johan as the ship broker; do</p> <p>4 you recall?</p> <p>5 A. Jan.</p> <p>6 Q. Did you ever speak directly with Johan?</p> <p>7 A. Yes.</p> <p>8 Q. On a regular basis for this Charter Party?</p> <p>9 A. Yes.</p> <p>10 Q. What was the nature of your conversations</p> <p>11 with him?</p> <p>12 A. Making the arrangements for the ship.</p> <p>13 Q. Is there any reason that you did this, as</p> <p>14 opposed to Mr. Michalek?</p> <p>15 A. He was very consumed with dealing with the</p> <p>16 miner and was very overwhelmed and had asked me to help</p> <p>17 him get the ship.</p> <p>18 Q. Did The Slane Company receive -- or was The</p> <p>19 Slane Company to receive any compensation for you</p> <p>20 assisting Mr. Michalek with the shipping issues?</p> <p>21 A. No.</p> <p>22 Q. On Page 2 of that same e-mail, which is</p> <p>23 Milestone 0059 -- but it's Page 2 in the Chartering</p> <p>24 chain of Exhibit 49, at the bottom, there's a message</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 53	Page 55
<p>1 to you and Mr. Michalek and info@marinebux --</p> <p>2 A. Uh-huh.</p> <p>3 Q. -- and it says, "Johan and Daniel." Is that</p> <p>4 Johan the ship broker and yourself?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Where it's from Yuriy -- slash, from</p> <p>7 Yuriy --</p> <p>8 A. Yes.</p> <p>9 Q. -- it says, "Please kindly be advised</p> <p>10 according to Charter Party cargo to be loaded is iron</p> <p>11 ore lumps, which is actually stated in the clean</p> <p>12 fixture recap.</p> <p>13 "Please kindly confirm cargo will be as per</p> <p>14 above."</p> <p>15 Do you recall whether or not you responded to</p> <p>16 that message?</p> <p>17 A. I do not.</p> <p>18 Q. When these types of inquiries came in, is</p> <p>19 that something you would have responded to or would</p> <p>20 Johan have responded?</p> <p>21 A. Johan would have responded.</p> <p>22 Q. On Page 1 of the same Exhibit 49 -- it's</p> <p>23 Milestone 0058 -- there is a message at the top to</p> <p>24 Yuriy from Dimitris. Do you know who Dimitris is?</p>	<p>1 Received Follow, F-O-L-L.</p> <p>2 "As an officer of the Estech LLC and Slane</p> <p>3 Energy companies, I authorize these companies to</p> <p>4 guarantee the full payment for shipping costs per</p> <p>5 contract currently under negotiations fro (sic)</p> <p>6 transport of iron ore to Tianjin Port, China.</p> <p>7 "JKM.</p> <p>8 "Jan Michalek ..."</p> <p>9 Do you know why Mr. Michalek would have made</p> <p>10 this representation that he is an officer of the Slane</p> <p>11 Energy companies?</p> <p>12 A. No, I do not.</p> <p>13 Q. Do you know whether or not the Slane Energy</p> <p>14 companies guaranteed the full payment for the shipping</p> <p>15 costs under the sales contract?</p> <p>16 A. They did not.</p> <p>17 Q. Are the Slane Energy companies separate from</p> <p>18 The Slane Company?</p> <p>19 A. Yes.</p> <p>20 Q. And what are the Slane Energy companies?</p> <p>21 A. I think it was a predecessor company to</p> <p>22 Estech. It has no -- I don't think it's even in</p> <p>23 existence anymore.</p> <p>24 Q. Okay. When you say you think it was a</p>
Page 54	Page 56
<p>1 A. He had some connection --</p> <p>2 MR. WINTON: I'm sorry. You are on Page 1?</p> <p>3 MS. OROZCO: Page 1 of the e-mail chain,</p> <p>4 0058.</p> <p>5 MR. WINTON: You are referring to this</p> <p>6 (indicating), when you say from Yuriy to Dimitris.</p> <p>7 MS. OROZCO: Yeah, I'm going to get there.</p> <p>8 BY MS. OROZCO:</p> <p>9 Q. Where it says, "Yuriy/Dimitris.</p> <p>10 A. Yeah. He had some connection with the</p> <p>11 shipping company.</p> <p>12 Q. Okay. And then, below that --</p> <p>13 MR. WINTON: Object, that it misstates the</p> <p>14 document when you say From, To.</p> <p>15 MS. OROZCO: I'm going to that after.</p> <p>16 MR. WINTON: Okay.</p> <p>17 BY MS. OROZCO:</p> <p>18 Q. Do you have an understanding of whether this</p> <p>19 message is to Yuriy and a Dimitris, or from Yuriy and</p> <p>20 Dimitris?</p> <p>21 A. I do not.</p> <p>22 Q. Okay.</p> <p>23 Then, it says below -- it appears that there</p> <p>24 is a message being forwarded where it says: FYG</p>	<p>1 predecessor to Estech, which Estech?</p> <p>2 A. Estech LLC.</p> <p>3 Q. The U.S.A. --</p> <p>4 A. Yes.</p> <p>5 Q. -- or Trading?</p> <p>6 A. U.S.A.</p> <p>7 Q. Okay.</p> <p>8 Did you have any involvement in the Slane</p> <p>9 Energy companies?</p> <p>10 A. I may have. It was years ago.</p> <p>11 Q. Did Mr. Michalek have any involvement in the</p> <p>12 Slane Energy companies?</p> <p>13 A. Not to my knowledge.</p> <p>14 Q. Were you aware, before reading this e-mail</p> <p>15 today, that Mr. Michalek made this representation about</p> <p>16 the guarantee?</p> <p>17 A. No.</p> <p>18 Q. He never discussed it with you or told you</p> <p>19 that he was going to make this representation?</p> <p>20 A. Correct.</p> <p>21 Q. I am going to show you a document that has</p> <p>22 not been previously marked so we'll mark it as Exhibit</p> <p>23 50, and it's Milestone production 00102. I am going to</p> <p>24 show you this document and just ask if you've ever seen</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 57	Page 59
<p>1 that before today.</p> <p>2 ---</p> <p>3 A ONE-PAGE MICHALEK/CHARTERING</p> <p>4 CHAIKA-AGENCY, DATED 12/24/10,</p> <p>5 BATES-STAMPED MILESTONE 0000012,</p> <p>6 WAS MARKED AS EXHIBIT 50.</p> <p>7 ---</p> <p>8 A. No, I have not seen it.</p> <p>9 Q. Do you recall Mr. Michalek ever discussing</p> <p>10 with you the cancellation of the Charter Party shipping</p> <p>11 contract?</p> <p>12 A. No, I do not.</p> <p>13 Q. I am going to mark the next exhibit 51, which</p> <p>14 is Milestone production 0103 -- or 00103.</p> <p>15 ---</p> <p>16 A ONE-PAGE E-MAIL STRING, BEGINNING</p> <p>17 WITH A VIOLIN/MICHALEK E-MAIL DATED</p> <p>18 12/24/10, BATES-STAMPED</p> <p>19 MILESTONE 00000103, WAS MARKED AS</p> <p>20 EXHIBIT 51.</p> <p>21 ---</p> <p>22 BY MS. OROZCO:</p> <p>23 Q. The same question: Have you ever seen that</p> <p>24 document before today?</p>	<p>1 A. Denise may have been Jerry's secretary.</p> <p>2 Q. Jerry ...?</p> <p>3 A. Jacobs.</p> <p>4 Q. I am going to show you a document that was</p> <p>5 marked as Exhibit 20 at the deposition of Mr. Wolfson,</p> <p>6 ask you to take a moment to review that document.</p> <p>7 A. Uh-huh. Yes.</p> <p>8 Q. Do you recall sending this document to</p> <p>9 Mahoney & Keane and then receiving it back from him?</p> <p>10 A. I don't recall it, but I see that I did it.</p> <p>11 Q. It says on the first page of Exhibit 20,</p> <p>12 which is M&K-0060, in your e-mail to</p> <p>13 lawoffices@mahoneykeane.com: "Garth: Enclosed is a</p> <p>14 corrected Escrow Agreement. We have agreed to change</p> <p>15 the Laycan ... Thanks, Jan Michalek."</p> <p>16 A. Uh-huh. Yes.</p> <p>17 Q. Do you know whether or not you sent this or</p> <p>18 Mr. Michalek sent this, apparently, from your e-mail?</p> <p>19 A. I don't know.</p> <p>20 Q. Do you know why Mr. Michalek would be -- if</p> <p>21 he did send this, why he would be using your e-mail</p> <p>22 address?</p> <p>23 A. No, unless he had been in my office. But, I</p> <p>24 don't know.</p>
Page 58	Page 60
<p>1 A. No.</p> <p>2 Q. Did Mr. Michalek ever discuss with you the</p> <p>3 issues that had arisen as a result of the Charter Party</p> <p>4 shipping contract being canceled?</p> <p>5 A. Other than the miner could not perform.</p> <p>6 Q. But nothing else?</p> <p>7 A. No.</p> <p>8 Q. I am going to show you a document which was</p> <p>9 marked as Exhibit 18 at the deposition of Mr. Wolfson,</p> <p>10 ask you to review that for a moment.</p> <p>11 A. Okay.</p> <p>12 Q. Okay?</p> <p>13 Do you recall ever sending this document, or</p> <p>14 receiving it, from Garth Wolfson?</p> <p>15 MR. WINTON: Which e-mail are you talking</p> <p>16 about?</p> <p>17 MS. OROZCO: Exhibit 18, M&K-0049, the middle</p> <p>18 e-mail, from Garth to Dan, "Thanks, Dan."</p> <p>19 MR. WINTON: Okay.</p> <p>20 THE WITNESS: I don't remember this.</p> <p>21 BY MS. OROZCO:</p> <p>22 Q. Who is Denise Amspoker; do you know?</p> <p>23 A. No.</p> <p>24 Q. Okay. You can put that one aside.</p>	<p>1 Q. Did Mr. Michalek ever work in your office in</p> <p>2 the past?</p> <p>3 A. No.</p> <p>4 Q. Do you know whether or not he would have had</p> <p>5 a reason to have been in your office?</p> <p>6 A. Yes, he would come to my office to discuss</p> <p>7 the project.</p> <p>8 Q. How far apart is the offices of The Slane</p> <p>9 Company and the Estech Trading?</p> <p>10 A. 30 minutes.</p> <p>11 Q. But you don't know whether or not he ever</p> <p>12 actually used your e-mail?</p> <p>13 A. No.</p> <p>14 Q. Did you ever speak with Mark Seward on the</p> <p>15 telephone?</p> <p>16 A. Yes.</p> <p>17 Q. And what was the nature of your discussions</p> <p>18 with him?</p> <p>19 A. Details arranging the shipping.</p> <p>20 Q. Anything else that you can think of?</p> <p>21 A. No.</p> <p>22 Q. Did you ever communicate with Mr. Seward via</p> <p>23 e-mail?</p> <p>24 A. Yes.</p>

Deposition of: Dan Slane, taken on June 21, 2011

<p style="text-align: right;">Page 61</p> <p>1 Q. And what would the nature of those</p> <p>2 communications have been?</p> <p>3 A. He had a number of questions and issues. I</p> <p>4 can't remember the details, but</p> <p>5 Q. Okay.</p> <p>6 I am going to show you a document that was</p> <p>7 marked as Exhibit 42 at the deposition of Mr. Wolfson.</p> <p>8 I'd just ask you to take a moment to review the content</p> <p>9 of that e-mail.</p> <p>10 A. Yes.</p> <p>11 Q. Do you recall ever seeing any of these</p> <p>12 communications before today?</p> <p>13 A. No.</p> <p>14 Q. On the first page of the Exhibit 42, which is</p> <p>15 M&K-0181, the second half of that first page is an</p> <p>16 e-mail from Mr. Wolfson to Mr. Moloney and there is a</p> <p>17 cc line that includes your address. Do you recall ever</p> <p>18 reviewing or reading this document before today, that</p> <p>19 e-mail?</p> <p>20 A. I don't.</p> <p>21 Q. Could you just take a moment to review the</p> <p>22 contents of just that e-mail which is on 0181 and 0182</p> <p>23 of Exhibit 42.</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 63</p> <p>1 this e-mail?</p> <p>2 A. No.</p> <p>3 Q. Have you ever spoken to Mr. Wolfson for any</p> <p>4 reason?</p> <p>5 A. No.</p> <p>6 Q. Did you ever speak with anyone at the</p> <p>7 shipping company, Yuriy, about the contents of this</p> <p>8 e-mail?</p> <p>9 A. Yeah, he was calling me constantly.</p> <p>10 Q. Did you ever speak to him or --</p> <p>11 A. Yes.</p> <p>12 Q. And what was the nature of those</p> <p>13 conversations?</p> <p>14 A. "Send us our money," basically.</p> <p>15 Q. Did you have any response to that?</p> <p>16 A. I said I had, really, nothing to do with it</p> <p>17 and he had to talk to Mr. Moloney.</p> <p>18 Q. Do you know whether or not Yuriy ever spoke</p> <p>19 to Mr. Moloney?</p> <p>20 A. I do not.</p> <p>21 Q. I am going to show you a document which was</p> <p>22 marked as Exhibit 14 at the deposition of Mr. Wolfson.</p> <p>23 Just ask you to take a moment to review that, please.</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 62</p> <p>1 Q. Okay.</p> <p>2 Do the contents of that e-mail -- are they</p> <p>3 familiar to you?</p> <p>4 A. I think I remember reading it, yeah.</p> <p>5 Q. Okay.</p> <p>6 Did you ever discuss the issues raised in</p> <p>7 this e-mail with anyone?</p> <p>8 A. No.</p> <p>9 Q. You never discussed the contents of this</p> <p>10 e-mail with Mr. Michalek?</p> <p>11 A. No.</p> <p>12 Q. What about with Mr. Moloney?</p> <p>13 A. You know, I might have had some brief</p> <p>14 conversations with him about it, but nothing in any</p> <p>15 detail.</p> <p>16 Q. Do you recall what those would have been?</p> <p>17 A. Yes. Mr. Moloney's position was that the</p> <p>18 money was put into the trust account of Mahoney & Keane</p> <p>19 and there was never an executed Escrow Agreement and</p> <p>20 they wanted their money back.</p> <p>21 Q. And did you ever speak to Mr. Seward about</p> <p>22 the contents of this e-mail?</p> <p>23 A. No.</p> <p>24 Q. What about Mr. Wolfson, who was the sender of</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. Have you ever seen the attachment to Exhibit</p> <p>2 14, which is on Page 0034, before today?</p> <p>3 A. Yes.</p> <p>4 Q. In what capacity would you have seen that?</p> <p>5 A. I think Tom showed this to me when it was</p> <p>6 sent out.</p> <p>7 Q. Do you know why you would have seen that</p> <p>8 document?</p> <p>9 MR. WINTON: Objection, speculation.</p> <p>10 THE WITNESS: No, I'm not sure. But, I</p> <p>11 remember reading it.</p> <p>12 BY MS. OROZCO:</p> <p>13 Q. Did you ask him why he was showing you this</p> <p>14 document?</p> <p>15 A. No, I didn't.</p> <p>16 Q. When he showed it to you, did he tell you why</p> <p>17 he wanted you to read it?</p> <p>18 A. It was an issue of notifying the shipping</p> <p>19 company that the money had been put into the trust</p> <p>20 account and I wanted to make sure that that had</p> <p>21 occurred.</p> <p>22 Q. That the money had been put into --</p> <p>23 A. No, that the shipping company was notified</p> <p>24 that the money was in the trust account, or was about</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 65	Page 67
<p>1 to be put in the trust account.</p> <p>2 Q. Do you know whose trust account?</p> <p>3 A. Yeah, the attorneys in New York, Mahoney &</p> <p>4 Keane.</p> <p>5 Q. Did you ever notify the shipping company that</p> <p>6 the money was put into the trust account?</p> <p>7 A. I think I told Yuriy the money was put in the</p> <p>8 trust account.</p> <p>9 Q. Do you recall whether or not you sent him an</p> <p>10 e-mail or whether it was through a phone call?</p> <p>11 A. It was by phone.</p> <p>12 Q. Did you ever discuss with Yuriy the Escrow</p> <p>13 Agreement that we have marked as Exhibit 48?</p> <p>14 A. No.</p> <p>15 Q. When you read this letter from Mahoney &</p> <p>16 Keane dated December 2nd, that's Exhibit 14, did you</p> <p>17 ever ask Mr. Moloney what the Escrow Agreement in the</p> <p>18 Subject line referred to?</p> <p>19 A. No.</p> <p>20 Q. Did you ever see this letter, Exhibit 14,</p> <p>21 before it was actually signed?</p> <p>22 A. Yes.</p> <p>23 Q. Do you recall when that was?</p> <p>24 A. When it was going out, when it was being</p>	<p>1 A. No.</p> <p>2 Q. Did you make any comments on the contents of</p> <p>3 the letter?</p> <p>4 A. No.</p> <p>5 Q. Do you know who drafted it?</p> <p>6 A. Tom Moloney.</p> <p>7 Q. Do you know why he drafted it?</p> <p>8 A. He's the General Counsel for Jerry Jacobs.</p> <p>9 Q. Did he ever discuss with you why he was</p> <p>10 drafting the letter?</p> <p>11 A. No, not really.</p> <p>12 Q. Did you ever ask him?</p> <p>13 A. No.</p> <p>14 Q. Do you know whether or not the money that was</p> <p>15 transferred to Mahoney & Keane was ever returned to</p> <p>16 American Energy Services?</p> <p>17 A. I do not.</p> <p>18 Q. With respect to the Performance Bond that you</p> <p>19 posted for Mr. Michalek for Estech Trading, was that --</p> <p>20 those funds under the Performance Bond ever released</p> <p>21 back to you?</p> <p>22 A. No.</p> <p>23 Q. Are they still with the Chinese bank?</p> <p>24 A. No.</p>
Page 66	Page 68
<p>1 transmitted.</p> <p>2 Q. But was it actually a signed version or --</p> <p>3 A. No, --</p> <p>4 Q. -- was it a draft?</p> <p>5 A. -- it was -- it was an unsigned version.</p> <p>6 Q. And who --</p> <p>7 A. Oh, I'm sorry. This is -- I'm sorry. I'm</p> <p>8 confused.</p> <p>9 No, I did not see this.</p> <p>10 Q. So you only saw it in its final form as we</p> <p>11 are looking at it today in Exhibit 14?</p> <p>12 A. I saw -- I saw the version that went from Tom</p> <p>13 Moloney to Garth Wolfson, so it was this -- basically</p> <p>14 this same letter on Tom's stationery, unsigned.</p> <p>15 I don't recall seeing it signed.</p> <p>16 Q. You don't recall seeing a signed version</p> <p>17 before today?</p> <p>18 A. Correct.</p> <p>19 Q. But you recall seeing an unsigned version?</p> <p>20 A. Yes.</p> <p>21 Q. Was it on any letterhead?</p> <p>22 A. I can't remember.</p> <p>23 Q. Did you have any input in drafting the</p> <p>24 letter?</p>	<p>1 Q. Do you know where they are?</p> <p>2 A. I assume they are with the Chinese steel</p> <p>3 company.</p> <p>4 Q. Has Estech Trading ever paid you back those</p> <p>5 funds?</p> <p>6 A. No.</p> <p>7 Q. Have you ever demanded them back?</p> <p>8 A. No.</p> <p>9 Q. Do you expect to get them back?</p> <p>10 A. No.</p> <p>11 Q. Did you have any written loan agreement with</p> <p>12 Estech Trading for that money?</p> <p>13 A. No.</p> <p>14 Q. Did you ever lend Estech Trading any other</p> <p>15 money?</p> <p>16 A. No.</p> <p>17 Q. Did The Slane Company ever lend Estech</p> <p>18 Trading any other money?</p> <p>19 A. No.</p> <p>20 Q. How about Estech U.S.A., LLC?</p> <p>21 A. No.</p> <p>22 Q. I am going to show you a document that was</p> <p>23 marked as Exhibit 1 at the deposition of Mr. Wolfson</p> <p>24 and ask if you've ever seen that document before?</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 69	Page 71
<p>1 A. No.</p> <p>2 ---</p> <p>3 A TWO-PAGE DOCUMENT ENTITLED,</p> <p>4 "PROMISSORY NOTE," PRINCIPAL SUM:</p> <p>5 \$344,190, EXECUTED BY MAKER AS OF</p> <p>6 11/19/10, BATES-STAMPED AES-0033</p> <p>7 AND 0034, WAS MARKED AS EXHIBIT 52.</p> <p>8 ---</p> <p>9 THE WITNESS: Okay.</p> <p>10 BY MS. OROZCO:</p> <p>11 Q. Have you ever seen that document before</p> <p>12 today?</p> <p>13 A. I'm not sure. I may have, but I'm not sure.</p> <p>14 Q. Are you familiar with it at all? Do the</p> <p>15 terms look familiar to you?</p> <p>16 A. No, not really.</p> <p>17 Q. Okay. No?</p> <p>18 A. No.</p> <p>19 Q. Okay.</p> <p>20 I am going to show you another document,</p> <p>21 which is AES production 0038, 0039, which we'll mark as</p> <p>22 Exhibit 53.</p> <p>23 ---</p> <p>24 A TWO-PAGE DOCUMENT ENTITLED,</p>	<p>1 "PROMISSORY NOTE," PRINCIPAL SUM:</p> <p>2 \$500,000, EXECUTED BY MAKER AS OF</p> <p>3 12/2/10, BATES-STAMPED AES-0071 AND</p> <p>4 0072, WAS MARKED AS EXHIBIT 55.</p> <p>5 ---</p> <p>6 MS. OROZCO: He's looking right now at</p> <p>7 Exhibit 54.</p> <p>8 THE WITNESS: Okay.</p> <p>9 BY MS. OROZCO:</p> <p>10 Q. Have you ever seen this document before?</p> <p>11 A. I think I have, yes.</p> <p>12 Q. If you go back to Exhibit 52, which was just</p> <p>13 marked -- Okay? --</p> <p>14 A. Uh-huh.</p> <p>15 Q. -- and you said that you have not seen this</p> <p>16 document, Exhibit 52, before today; right?</p> <p>17 A. Uh-huh. Yes.</p> <p>18 Q. Okay. And you have not, either, seen Exhibit</p> <p>19 53 before today; is that correct?</p> <p>20 A. I don't recall seeing it.</p> <p>21 Q. Okay.</p> <p>22 So if we go back to Exhibit 54, have you had</p> <p>23 a chance to review that document?</p> <p>24 A. Yes.</p>
Page 70	Page 72
<p>1 "PROMISSORY NOTE, PRINCIPAL SUM:</p> <p>2 \$312,500, EXECUTED BY MAKER AS OF</p> <p>3 12/21/10, BATES-STAMPED AES-0038</p> <p>4 AND 0039, WAS MARKED AS EXHIBIT 53.</p> <p>5 ---</p> <p>6 THE WITNESS: Okay.</p> <p>7 BY MS. OROZCO:</p> <p>8 Q. And ask that same question: Have you ever</p> <p>9 seen that document before today?</p> <p>10 A. No.</p> <p>11 Q. Next one is AES production 0035 to 0037,</p> <p>12 which will be Exhibit 54.</p> <p>13 ---</p> <p>14 A THREE-PAGE JACOBS/MICHALEK</p> <p>15 LETTER, DATED 12/10/10, SUBJECT:</p> <p>16 SALES CONTRACT, BATES-STAMPED</p> <p>17 AES-0035 THROUGH 0037, WAS MARKED</p> <p>18 AS EXHIBIT 54.</p> <p>19 ---</p> <p>20 THE WITNESS: I need to take a break here for</p> <p>21 a minute.</p> <p>22 (Recess taken.)</p> <p>23 ---</p> <p>24 A TWO-PAGE DOCUMENT ENTITLED,</p>	<p>1 Q. Do you recall seeing that document before</p> <p>2 today?</p> <p>3 A. I think I read it, yes.</p> <p>4 Q. The reference, the Subject line on the first</p> <p>5 page is: "Sales Contract" -- I'll skip the number --</p> <p>6 "between Tianjin Materials and Equipments (Group)</p> <p>7 Corporation, Tianjin, China ('Buyer'), and Estech</p> <p>8 Trading, LLC."</p> <p>9 A. Uh-huh.</p> <p>10 Q. Is that the sales contract that we were</p> <p>11 discussing earlier in your deposition where you talked</p> <p>12 about giving a Performance Bond to Estech Trading for a</p> <p>13 sales contract?</p> <p>14 A. Yes.</p> <p>15 Q. Have you seen the sales contract for which</p> <p>16 you provided the money for the Performance Bond?</p> <p>17 A. Yes.</p> <p>18 Q. And then in the letter -- in the body of the</p> <p>19 letter, it says: "In consideration of" AES "providing</p> <p>20 loan financing to Estech Trading ... including the</p> <p>21 \$344,190 of wire by AES to Buyer on November 19 ... for</p> <p>22 the Performance Bond posted that Estech was required to</p> <p>23 post with Buyer ..." -- it's referenced as the "First</p> <p>24 Loan"</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 73	Page 75
<p>1 Were you aware that AES wired \$344,000 to the</p> <p>2 buyer for a Performance Bond posted by Estech?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know what the total amount of the</p> <p>5 Performance Bond was that Estech was required to post</p> <p>6 for the sales contract?</p> <p>7 A. 344,190.</p> <p>8 Q. Is this \$344,190 that AES wired to the buyer</p> <p>9 separate from the \$340,000 that you provided to Estech</p> <p>10 for the Performance Bond?</p> <p>11 A. No.</p> <p>12 Q. It's the same money?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. So when you stated earlier that you</p> <p>15 personally provided Estech Trading with funding for the</p> <p>16 Performance Bond, where did you get that money?</p> <p>17 A. From my personal account.</p> <p>18 Q. From your personal account?</p> <p>19 A. (Affirmative nodding of head.)</p> <p>20 Q. And is that --</p> <p>21 But you just now testified that that's the</p> <p>22 same money as this \$344,000.</p> <p>23 A. Yeah. I gave the checks to Jerry and then he</p> <p>24 wired the money. It was my funds.</p>	<p>1 \$500,000 was for?</p> <p>2 A. For a security deposit for the shipping</p> <p>3 company.</p> <p>4 Q. How did it come to be that AES got involved</p> <p>5 or you got involved with AES to transfer this money on</p> <p>6 behalf of Estech Trading to the buyer?</p> <p>7 A. Which money?</p> <p>8 Q. The \$344,000 for the Performance Bond.</p> <p>9 A. Well, it was all in conjunction with the --</p> <p>10 with the 500,000, as well.</p> <p>11 Q. And did you ever receive a Promissory Note</p> <p>12 from AES similar to the Promissory Note that AES</p> <p>13 received from Estech, which we've marked as Exhibit 52?</p> <p>14 A. No.</p> <p>15 Q. Do you know whether or not AES ever received</p> <p>16 the money under the Promissory Note, Exhibit 52, which</p> <p>17 is also referenced in this letter, Exhibit 54?</p> <p>18 A. Your question is: Do I know if --</p> <p>19 MS. OROZCO: Can you repeat the question?</p> <p>20 (Question read.)</p> <p>21 THE WITNESS: It did not.</p> <p>22 BY MS. OROZCO:</p> <p>23 Q. Is there any agreement between yourself and</p> <p>24 AES that if they received this money back, that it</p>
Page 74	Page 76
<p>1 Q. Okay. So you gave a personal check to --</p> <p>2 written out to Jerry Jacobs or written out to AES,</p> <p>3 American Energy Services?</p> <p>4 A. I think it was to AES.</p> <p>5 Q. And then AES wired the money to --</p> <p>6 A. The Chinese bank.</p> <p>7 Q. -- the Chinese buyer?</p> <p>8 A. Yes.</p> <p>9 Q. Is there any reason that the money didn't go</p> <p>10 directly from you to the Chinese buyer?</p> <p>11 A. No. It was just easier to do it this way.</p> <p>12 Q. Is there any reason that it was done through</p> <p>13 American Energy Services as opposed to The Slane</p> <p>14 Company?</p> <p>15 A. Well, The Slane Company had nothing to do</p> <p>16 with it.</p> <p>17 Q. Well, what did American Energy Services have</p> <p>18 to do with it?</p> <p>19 A. They were going to help out with the</p> <p>20 shipping.</p> <p>21 Q. And how were they going to do that?</p> <p>22 A. Under terms and conditions acceptable to</p> <p>23 them, they were going to put up \$500,000.</p> <p>24 Q. And do you know, do you recall what the</p>	<p>1 would go to you?</p> <p>2 A. No, there is no -- no agreement.</p> <p>3 Q. Is there any understanding that's not in</p> <p>4 writing to that effect?</p> <p>5 A. I think the understanding was that: Had the</p> <p>6 deal occurred, 344,000 of the profit would have gone</p> <p>7 back to me.</p> <p>8 Q. But is that anywhere in writing?</p> <p>9 A. No.</p> <p>10 Q. Okay.</p> <p>11 It then says, on the -- we are talking about</p> <p>12 Exhibit 54, AES-0035, where it's -- the first section,</p> <p>13 we have just finished talking about the Performance</p> <p>14 Bond money, which is the first loan, and then it goes</p> <p>15 on to say: "... and the \$500,000 wired by AES to</p> <p>16 Mahoney & Keane ... in connection with the shipping</p> <p>17 arrangements required to be made by Estech pursuant to</p> <p>18 the contract," and then, in parentheses, "(the 'Second</p> <p>19 Loan') Estech and AES have agreed as followed: ..."</p> <p>20 Do you know what the contract is that they</p> <p>21 are referencing in this letter where it says, "... in</p> <p>22 connection with the shipping arrangements required to</p> <p>23 be made by Estech pursuant to the contract ..."?</p> <p>24 A. I do not.</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 77	Page 79
<p>1 Q. In Paragraph 2 of this letter, it states: 2 "After repayment of both loans in full, Estech 3 shall ... pay to AES ... 25 percent of the total of ... 4 all remaining contract receipts as and when received by 5 Estech after ... repayment in full of both loans less 6 ... the out-of-pocket operating and administrative 7 expenses ..." 8 It then goes on to state: "AES and Estech 9 each acknowledge that, in agreeing to this payment of 10 25 percent of the contract's net proceeds, each is 11 relying on communications from Daniel ... Slane -- 12 ('Mr. Slane') in parentheses -- "confirming that AES 13 is to receive this 25 percent, which 25 percent is a 14 reduction of any share of the net proceeds that 15 Mr. Slane or any of his affiliates, including Estech 16 Coal LLC (collectively, 'Slane Group'), are to receive 17 from the contract's net proceeds." 18 Are you familiar with that arrangement? 19 A. Yes. 20 Q. Can you tell me about that arrangement? 21 A. Yeah. Originally, Jan was to receive 50 22 percent of the contract profits, and my brother and 23 myself were to receive the other 50 percent in return 24 for myself posting the Performance Bond.</p>	<p>1 Q. From ...? 2 A. Jerry negotiating that with me in return for 3 his help. 4 Q. Okay. So if I understand correctly, the 5 contract profits were to be split 50 percent to Jan, -- 6 A. Yes. 7 Q. -- 25 percent to you and your brother, -- 8 A. Yes. 9 Q. -- and 25 percent to American Energy 10 Services? 11 A. Yes. 12 Q. And the 25 percent profits that went to 13 yourself and your brother was a payment for the funding 14 of the Performance Bond? 15 A. Yeah, I guess that was the quid pro quo for 16 the profit payment. 17 Q. And then is it fair to say that the profit 18 payment to American Energy Services was for the 19 \$500,000 shipping security? 20 A. Yes. 21 Q. On Page 2 of that Exhibit 54, which is marked 22 AES-0036, Paragraph 3, it says: "It is the intention 23 of the parties that, if Estech or its principal, Jan 24 Michalek ... is to enter into additional sales</p>
Page 78	Page 80
<p>1 Q. Okay. When you say "the contract profits," 2 do you mean the sales contract or the shipping 3 contract? 4 A. Sales contract. 5 Q. Okay. You and your brother were to receive 6 50 percent? 7 A. Correct. 8 Q. And who would that have come from? 9 A. From Jan, Estech Trading. 10 Q. Okay. And then why did that change? 11 A. Because I had to go to Jerry to ask him to 12 help out with the shipping -- 13 Q. Okay. 14 A. -- and in return for doing that, Jerry was 15 going to be compensated by 25 percent of the profits 16 from Estech Trading, and my brother and myself, the 17 remaining 25 percent, and Jan kept his 50 percent. 18 Q. Okay. Is there anything in writing that 19 discusses the percentage of profits that you and your 20 brother were to receive? 21 A. No. 22 Q. And where would that 25 percent to Jerry have 23 come from? 24 A. From Jerry.</p>	<p>1 contracts with Buyer or other buyers located in China 2 for the sale and delivery of iron ore" -- in 3 parentheses, identified as "New Contracts" -- JKM, AES 4 and Slane Group shall enter into an operating agreement 5 to restructure the ownership of Estech, effective no 6 later than the execution of the first of the New 7 Contracts." 8 Did Estech ever enter into any additional 9 sales contracts with buyers in China? 10 A. I don't know the answer to that. 11 Q. Have you ever followed up with Michalek to 12 find out whether or not Estech Trading has ever entered 13 into additional sales contracts with buyers located in 14 China? 15 A. I think he told me that he had another 16 contract. 17 Q. With a buyer in China? 18 A. Yes. 19 Q. Was an operating agreement ever created to 20 restructure the ownership of Estech, in compliance with 21 this Paragraph 3? 22 A. No. 23 Q. Do you know what the Slane Group's role would 24 be with respect to the operating agreement if new sales</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 81	Page 83
<p>1 contracts were entered into?</p> <p>2 A. No.</p> <p>3 Q. Do you know what The Slane Company -- Slane</p> <p>4 Group's role -- what you expected the Slane Group's</p> <p>5 role to be in the operating agreement?</p> <p>6 A. No.</p> <p>7 Q. Did you have any discussions with Mr. Jacobs</p> <p>8 or Mr. Michalek regarding this letter that's been</p> <p>9 marked as Exhibit 54, before it was drafted?</p> <p>10 A. Did I have any discussions --</p> <p>11 Q. Yes.</p> <p>12 A. -- with ...?</p> <p>13 Q. With either Mr. Jacobs, who signed the</p> <p>14 letter, or Mr. Michalek, who --</p> <p>15 A. No.</p> <p>16 Q. -- agreed to it?</p> <p>17 A. No.</p> <p>18 Q. Did you know, before you saw this letter,</p> <p>19 that the Slane Group was being contemplated as being</p> <p>20 part of an operating agreement with respect to new</p> <p>21 contracts?</p> <p>22 A. Yes.</p> <p>23 Q. You did know?</p> <p>24 A. (Affirmative nodding of head.) Yes.</p>	<p>1 Q. And is that an affiliate-entity of The Slane</p> <p>2 Company?</p> <p>3 A. Yes.</p> <p>4 Q. Is it owned by The Slane Company?</p> <p>5 A. No. It's owned by my brother and myself.</p> <p>6 But it was never -- It's a shell corporation.</p> <p>7 The project was never completed -- the purchase, so</p> <p>8 the -- the -- we formed the entity to purchase the coal</p> <p>9 mine but then we never purchased it.</p> <p>10 Q. Is the Estech Coal LLC still in existence</p> <p>11 today?</p> <p>12 A. Not to my knowledge.</p> <p>13 Q. Do you know why it would have been referenced</p> <p>14 in this letter in Paragraph 2, Page 1, if it's no</p> <p>15 longer in existence?</p> <p>16 A. No, I do not.</p> <p>17 Q. Do you know who drafted this letter?</p> <p>18 A. I do not. I assume Tom did.</p> <p>19 Q. Tom Moloney?</p> <p>20 A. Moloney, yes.</p> <p>21 Q. If you could go back to Exhibit Number 53,</p> <p>22 which is the Promissory Note for \$312,000.</p> <p>23 A. Uh-huh.</p> <p>24 Q. Do you know what that money represents?</p>
Page 82	Page 84
<p>1 Q. And how did you know that?</p> <p>2 A. Well, he had -- Jan had potential to obtain</p> <p>3 additional contracts and he had told us that, and we</p> <p>4 wanted to be a part of that in the future.</p> <p>5 Q. And what type of relationship was</p> <p>6 contemplated between Mr. Michalek, AES and Slane Group?</p> <p>7 A. As investors.</p> <p>8 Q. Was there ever a draft operating agreement</p> <p>9 that was circulated?</p> <p>10 A. No.</p> <p>11 Q. And is the "Slane Group" different than "The</p> <p>12 Slane Company"?</p> <p>13 A. Yes.</p> <p>14 Q. What's the difference?</p> <p>15 A. It's two individuals: Myself and my brother,</p> <p>16 Charles.</p> <p>17 Q. Did Charles have any involvement in any of</p> <p>18 the contents of this letter marked as Exhibit 54?</p> <p>19 A. No.</p> <p>20 Q. And are you familiar with Estech Coal LLC?</p> <p>21 A. Yes.</p> <p>22 Q. What is that entity?</p> <p>23 A. It's a company that was established to</p> <p>24 purchase a coal mine in Kentucky.</p>	<p>1 A. Yes.</p> <p>2 Q. What is that?</p> <p>3 A. An additional investment was required to be</p> <p>4 made at the request of Jan, in late December.</p> <p>5 Q. What was the nature of that investment?</p> <p>6 A. It was to be operating funds for Martinez,</p> <p>7 the miner in Mexico.</p> <p>8 Q. That was the seller or the supplier of the</p> <p>9 iron ore?</p> <p>10 A. Yes.</p> <p>11 Q. And do you know where that money came from?</p> <p>12 A. Yes.</p> <p>13 Q. Where did that come from?</p> <p>14 A. Bill Hlavin.</p> <p>15 Q. Who is that?</p> <p>16 A. He is a friend of Jerry's and myself.</p> <p>17 Q. Is he affiliated with Estech Trading?</p> <p>18 A. No.</p> <p>19 Q. Is he affiliated with American Energy</p> <p>20 Services?</p> <p>21 A. No.</p> <p>22 Q. Is he affiliated with The Slane Company?</p> <p>23 A. No.</p> <p>24 Q. But, that \$312,000, you had nothing to do</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 85	Page 87
<p>1 with providing that money to American Energy Services 2 or Estech Trading? 3 A. Correct. 4 Q. Okay. 5 I am going to show you another document, 6 that's been marked as Exhibit 55, and ask if you have 7 ever seen that. It is AES production 0071, 0072. 8 A. No. 9 Q. You have not ever seen this document? 10 A. No. 11 Q. Do you know what it references? 12 A. \$500,000. 13 Q. But you never saw it before today? 14 A. No. 15 Q. You had no involvement in drafting it or -- 16 A. No. 17 Q. -- any communications related to it? 18 A. No. 19 Q. I am going to show you another document, AES 20 production 0040, we are going to mark as Exhibit 56. 21 --- 22 A ONE-PAGE MOLONEY/WOLFSON LETTER, 23 DATED 12/23/10, BATES-STAMPED 24 AES-0040, WAS MARKED AS EXHIBIT 56.</p>	<p>1 A. No. 2 Q. Have you ever communicated with Mahoney & 3 Keane, the Escrow Agent, regarding the return of those 4 funds? 5 A. No. 6 Q. Have you ever communicated with Milestone, 7 who is the shipping company, regarding the return of 8 those funds? 9 A. Yes. 10 Q. Do you recall the nature of those 11 communications? 12 A. Yuriy was calling me, requesting that the 13 funds be sent to him. 14 Q. And what was your response to that? 15 A. That I had nothing to do with it and he had 16 to talk to Tom. 17 Q. Did you ever have any communications with 18 Mr. Seward about the return of the funds? 19 A. No. 20 Q. The next one is Milestone production 6, 7, 8 21 and 9, and it's Exhibit 57. 22 --- 23 A FOUR-PAGE DOCUMENT BEGINNING, 24 "OHIO OIL AND GAS ASSOCIATION</p>
Page 86	Page 88
<p>1 --- 2 A. Okay. 3 Q. Just ask you if you have ever seen that 4 document before? 5 A. No. 6 Q. Are you aware of the pending litigation in 7 New York Court involving the shipping company, 8 Milestone Shipping, and Estech Trading and American 9 Energy Services? 10 A. Yes. 11 Q. And how are you aware of that? 12 A. I think Tom or Jerry, somebody, had told me 13 about it. 14 Q. Do you know any of the details about the 15 litigation? 16 A. Other -- other than it's over the issue of 17 what does the Trustee do with -- who does he return the 18 funds to. 19 Q. And do you know which funds those are 20 referencing? 21 A. The 500,000 that's in the Trust Account. 22 Q. Have you had any input into that litigation 23 or any communications with anybody at American Energy 24 about seeking the return of those funds?</p>	<p>1 BULLETIN ADVERTISERS," DATED 2 NOVEMBER 2008, BATES-STAMPED 3 MILESTONE 00000006 THROUGH 0009, 4 WAS MARKED AS EXHIBIT 57. 5 --- 6 A. Okay. 7 Q. Are you familiar with the Ohio Oil and Gas 8 Association Bulletin? 9 A. Yes. 10 Q. What is that bulletin? 11 A. It's a trade-association magazine that's 12 distributed to its members. 13 Q. Are you a member of that? 14 A. I am not. 15 Q. Is the Slane Company a member? 16 A. No. 17 Q. Do you advertise in the bulletin? 18 A. I was seeking, personally, to purchase some 19 leases and I was not allowed to advertise because I'm 20 not a member, but I asked Jerry to sponsor me to allow 21 me to advertise, so he did, as a favor to me. 22 Q. Jerry ...? 23 A. Jacobs. 24 Q. Jacobs, of American Energy Services?</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 89	Page 91
<p>1 A. Yes.</p> <p>2 Q. And when you say you were seeking,</p> <p>3 personally, to purchase leases, what type of leases?</p> <p>4 A. Oil and gas leases.</p> <p>5 Q. And is that --</p> <p>6 Do you have any understanding as to why</p> <p>7 American Energy Services is listed in the Table of</p> <p>8 Contents on the same page that your personal</p> <p>9 advertisement is listed?</p> <p>10 For example, on the page marked -- it's</p> <p>11 Milestone 006 at the bottom, the Table of Contents</p> <p>12 lists American Energy Services in the November 2008</p> <p>13 bulletin.</p> <p>14 A. Yeah.</p> <p>15 No, I don't know why. I mean --</p> <p>16 Q. And then on the page marked Milestone 007,</p> <p>17 which is Page 14 of the bulletin, it's your personal</p> <p>18 ad?</p> <p>19 A. Yes.</p> <p>20 Q. You don't know why that appears like that?</p> <p>21 A. No, I do not.</p> <p>22 Q. Did you advertise, personally, in any other</p> <p>23 trade-association magazines or journals?</p> <p>24 A. I may have advertised in a newspaper.</p>	<p>1 Q. Has Mr. Michalek represented that he intends</p> <p>2 to pay back the money that you lent him under the</p> <p>3 Performance Bond?</p> <p>4 A. He has not.</p> <p>5 Q. Have you ever asked him about it?</p> <p>6 A. No.</p> <p>7 Q. Have you ever had any discussions with</p> <p>8 Mr. Jacobs at American Energy Services regarding the</p> <p>9 payment of the Performance Bond?</p> <p>10 A. The Performance Bond is gone. The Chinese</p> <p>11 took it and so they're -- the deal cratered and that</p> <p>12 was the end of it.</p> <p>13 Q. But you, personally, didn't have any</p> <p>14 involvement in the sales contract; did you?</p> <p>15 A. In what respect?</p> <p>16 Q. In being a signatory to the sales contract.</p> <p>17 A. No.</p> <p>18 Q. Okay.</p> <p>19 A. No.</p> <p>20 Q. Were you involved at all in negotiating the</p> <p>21 sales contract?</p> <p>22 A. Yes.</p> <p>23 Q. To what extent?</p> <p>24 A. Well, we were -- we were -- we had drafted a</p>
Page 90	Page 92
<p>1 Q. But in that, did you need a sponsorship or</p> <p>2 were you allowed to do it?</p> <p>3 A. No, I just did it myself, personally.</p> <p>4 Q. Does The Slane Company have any business</p> <p>5 relationship with American Energy Services?</p> <p>6 A. No.</p> <p>7 Q. Does The Slane Company have any</p> <p>8 relationship -- business relationship with Estech</p> <p>9 Trading?</p> <p>10 A. No, other than what transpired in the present</p> <p>11 case.</p> <p>12 Q. Regarding the Performance Bond?</p> <p>13 A. Well, regarding the transaction with the</p> <p>14 Mexican ore supplier and the Chinese steel company.</p> <p>15 Was your question The Slane Company or me?</p> <p>16 Q. The Slane Company.</p> <p>17 A. No. Slane Company -- I'm sorry. The Slane</p> <p>18 Company had no involvement, whatsoever, with Estech</p> <p>19 Trading.</p> <p>20 Q. Were you compensated at all for your</p> <p>21 assistance provided to Mr. Michalek with respect to the</p> <p>22 sales contract and the charter of the vessel to carry</p> <p>23 the ore -- iron ore from Mexico to China?</p> <p>24 A. No.</p>	<p>1 contract for Jan.</p> <p>2 Q. Who is "we"?</p> <p>3 A. Myself.</p> <p>4 Q. Okay. Anything else?</p> <p>5 A. That's it.</p> <p>6 MS. OROZCO: If we can take a break.</p> <p>7 (Recess taken.)</p> <p>8 MS. OROZCO: Mark the next Exhibit as 58,</p> <p>9 which is AES production 0064 through 0066.</p> <p>10 ---</p> <p>11 A ONE-PAGE JACOBS/MICHALEK LETTER,</p> <p>12 DATED 3/9/11, AND TWO PAGES OF</p> <p>13 ATTACHMENTS, BATES-STAMPED AES-0064</p> <p>14 THROUGH 0066, WERE MARKED AS</p> <p>15 EXHIBIT 58.</p> <p>16 ---</p> <p>17 BY MS. OROZCO:</p> <p>18 Q. I am going to ask you: Have you ever seen</p> <p>19 that document, Mr. Slane, before today?</p> <p>20 A. No, I have not.</p> <p>21 Q. And I'll just direct your attention to page</p> <p>22 two of that Exhibit 58, which is 0065, and ask if you</p> <p>23 have ever seen that communication?</p> <p>24 A. I have not.</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 93	Page 95
<p>1 Q. And the same question for page three of that</p> <p>2 Exhibit 58, AES-0066: Ask if you have ever seen that</p> <p>3 communication. It's --</p> <p>4 A. No, I didn't.</p> <p>5 Q. Okay.</p> <p>6 MS. OROZCO: This is going to be Exhibit 59.</p> <p>7 It has no reference numbers.</p> <p>8 ---</p> <p>9 A TWO-PAGE TISDALE/ESTECH TRADING,</p> <p>10 LLC, LETTER, DATED 1/4/11, WAS</p> <p>11 MARKED AS EXHIBIT 59.</p> <p>12 ---</p> <p>13 BY MS. OROZCO:</p> <p>14 Q. And just ask the same: Have you ever seen</p> <p>15 that document before today?</p> <p>16 A. No, not that I recall.</p> <p>17 Q. Okay.</p> <p>18 MS. OROZCO: I have no further questions at</p> <p>19 this time.</p> <p>20 THE WITNESS: Okay.</p> <p>21 ---</p> <p>22 CROSS-EXAMINATION</p> <p>23 BY MR. WINTON:</p> <p>24 Q. Mr. Slane, my name is Jim Winton. I</p>	<p>1 MS. OROZCO: That's different. That's</p> <p>2 correct.</p> <p>3 BY MR. WINTON:</p> <p>4 Q. -- rather than mine.</p> <p>5 A. Oh, okay.</p> <p>6 Q. I'm sorry, this is the hard part about</p> <p>7 following up, is trying to stay organized.</p> <p>8 MS. OROZCO: I know.</p> <p>9 MR. WINTON: I will ask the court reporter to</p> <p>10 mark this as the next exhibit in order, which, I</p> <p>11 suspect, is 60.</p> <p>12 ---</p> <p>13 A NINE-PAGE DOCUMENT ENTITLED,</p> <p>14 "SUBPOENA TO PRODUCE DOCUMENTS,</p> <p>15 INFORMATION, OR OBJECTS OR TO</p> <p>16 PERMIT INSPECTION OF PREMISES IN A</p> <p>17 CIVIL ACTION," WAS MARKED AS</p> <p>18 EXHIBIT 60.</p> <p>19 ---</p> <p>20 BY MR. WINTON:</p> <p>21 Q. And this subpoena which we have marked as</p> <p>22 Exhibit 60 is actually directed to you, personally,</p> <p>23 Care Of The Slane Company. Do you see that?</p> <p>24 A. Yes.</p>
Page 94	Page 96
<p>1 represent American Energy Services in this matter. I</p> <p>2 do have a few questions to follow up with you on.</p> <p>3 You indicated, in response to one of</p> <p>4 Ms. Orozco's questions, that you and I had spoken</p> <p>5 before. Do you recall that?</p> <p>6 Do you recall her asking you that question?</p> <p>7 A. I do, yes.</p> <p>8 Q. Let me see if I can be a little bit more</p> <p>9 precise.</p> <p>10 A. Yes, I do.</p> <p>11 Q. Okay. And do you recall -- I think you</p> <p>12 indicated that was several weeks ago.</p> <p>13 A. Yes.</p> <p>14 Q. Do you recall whether or not we have ever</p> <p>15 spoken any other time?</p> <p>16 A. We have not.</p> <p>17 Q. And do you recall that the subject matter of</p> <p>18 that conversation was a Subpoena Duces Tecum that I had</p> <p>19 served on The Slane Company?</p> <p>20 A. Yes.</p> <p>21 Q. And do you recall that that Subpoena Duces</p> <p>22 Tecum was asking you to produce documents?</p> <p>23 A. Yes. Yeah, I have it here.</p> <p>24 Q. Well, that may be Ms. Orozco's --</p>	<p>1 Q. And do you see, on the sixth page, there is</p> <p>2 the beginning of a list of documents that we were</p> <p>3 requesting, that runs to the eighth page, which is --</p> <p>4 and those are actually labeled, at the bottom, Pages 3,</p> <p>5 4 and 5?</p> <p>6 A. Yes.</p> <p>7 Q. Did you make a search for those documents</p> <p>8 after you received this?</p> <p>9 A. Yes.</p> <p>10 Q. And where did you search for them?</p> <p>11 A. See if I had any files around.</p> <p>12 Q. So you have no files on this transaction</p> <p>13 relating to the purchase and sale of iron ore from</p> <p>14 Mexico to China?</p> <p>15 A. Correct.</p> <p>16 Q. Did you -- As these documents -- Strike that.</p> <p>17 As these various e-mails that Ms. Orozco</p> <p>18 showed you, and other things, were being received at</p> <p>19 your office, what did you do with them after you read</p> <p>20 them?</p> <p>21 A. Deleted them.</p> <p>22 Q. And do you recall that, when you and I spoke,</p> <p>23 you called me in response to a call I made to your</p> <p>24 office to find out whether or not you would be</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 97	Page 99
<p>1 producing documents?</p> <p>2 A. Yes.</p> <p>3 Q. And is it correct that's the only time you</p> <p>4 and I have ever spoken at all?</p> <p>5 A. Correct.</p> <p>6 Q. And that conversation lasted for two or three</p> <p>7 minutes, as I recall. Is that about right?</p> <p>8 A. Correct.</p> <p>9 Q. Mr. Slane, your deposition today is going to</p> <p>10 be read and reviewed by the Judge in this matter. It's</p> <p>11 going to be tried to the Judge or ruled on by the Judge</p> <p>12 on motions and cross-motions and such, and so he is</p> <p>13 going to be the one who sorts out what happens in this</p> <p>14 case. Do you understand that?</p> <p>15 A. Yes.</p> <p>16 Q. And as a consequence, it's been very</p> <p>17 important that you give us your best recollection, and</p> <p>18 as you indicated before, an honest, truthful response</p> <p>19 to the best of your ability, because it's going to</p> <p>20 determine the outcome, in some respect, of what happens</p> <p>21 in this case. Do you understand that?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 I would like to explore with you your</p>	<p>1 A. Uh-huh. I think it was a JD in Ohio. It was</p> <p>2 a JD at the time, yeah.</p> <p>3 Q. That was about the time they changed them, I</p> <p>4 think.</p> <p>5 A. Yeah.</p> <p>6 Q. Okay. And you said you have a Master of Law</p> <p>7 in International Law from Amsterdam?</p> <p>8 A. University of Amsterdam, yes.</p> <p>9 Q. Did you go to work immediately after you got</p> <p>10 your undergraduate degree or did you go straight to Law</p> <p>11 School?</p> <p>12 A. I went straight to Law School.</p> <p>13 Q. And after you got your JD, did you go to work</p> <p>14 or did you go immediately on to your Master of Law?</p> <p>15 A. No, I went to work.</p> <p>16 Q. And how many employers did you have between</p> <p>17 getting your JD and going to school for your Master's</p> <p>18 of Law?</p> <p>19 A. One.</p> <p>20 Q. Who was that employer?</p> <p>21 A. Central Intelligence Agency.</p> <p>22 Q. How long were you in that --</p> <p>23 That's what we popularly refer to as the</p> <p>24 "CIA"?</p>
Page 98	Page 100
<p>1 background a little bit just so the Judge has that</p> <p>2 available to him.</p> <p>3 Can you tell us how old you are?</p> <p>4 A. I'm 69.</p> <p>5 Q. Where were you born?</p> <p>6 A. Yonkers, New York.</p> <p>7 Q. Did you graduate from college?</p> <p>8 A. Yes.</p> <p>9 Q. When and where?</p> <p>10 A. 1964, Ohio State University.</p> <p>11 Q. What was your degree in?</p> <p>12 A. Business Administration.</p> <p>13 Q. Do you have any advanced degrees?</p> <p>14 A. Yes.</p> <p>15 Q. What are they?</p> <p>16 A. I have a Law Degree from Ohio State. I have</p> <p>17 a Master's Degree in International Law from the</p> <p>18 University of Amsterdam.</p> <p>19 Q. What year did you get your JD?</p> <p>20 A. 1967.</p> <p>21 Q. That would have been an LLB, I assume, at</p> <p>22 that point --</p> <p>23 A. Yes.</p> <p>24 Q. -- or was it -- Okay.</p>	<p>1 A. Yes.</p> <p>2 Q. How long were you employed by the CIA?</p> <p>3 A. Six years.</p> <p>4 Q. And can you, in general, state what your job</p> <p>5 was?</p> <p>6 A. I was a Case Officer.</p> <p>7 Q. And that involves managing agents who were</p> <p>8 actually collecting intelligence?</p> <p>9 A. Yes.</p> <p>10 Q. I think I have now shot my wad on what the</p> <p>11 CIA does and I am going to quit before I embarrass</p> <p>12 myself.</p> <p>13 Did you have security clearances as a Case</p> <p>14 Officer?</p> <p>15 A. Yes.</p> <p>16 Q. And what was the level of your security</p> <p>17 clearance?</p> <p>18 A. Top Secret.</p> <p>19 Q. And were there subdivisions or gradations of</p> <p>20 Top Secret?</p> <p>21 A. Yes.</p> <p>22 Q. And what level security clearance did you</p> <p>23 hold within the category of Top Secret?</p> <p>24 A. I had an SC Clearance, which gave me access</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 101	Page 103
<p>1 to CIA information on a need-to-know basis.</p> <p>2 Q. And when you were getting your Master of Law,</p> <p>3 did you do that part-time or full-time?</p> <p>4 In other words, did you continue working</p> <p>5 or --</p> <p>6 A. Yeah, yeah, I continued working and was going</p> <p>7 to school on a part-time basis.</p> <p>8 Q. And did you continue to be employed by the</p> <p>9 CIA while you were getting your Master of Law?</p> <p>10 A. Yes.</p> <p>11 Q. How long did the Master of Law take?</p> <p>12 A. 18 months.</p> <p>13 Q. And how long, in total, did you work for the</p> <p>14 CIA?</p> <p>15 A. Six years.</p> <p>16 Q. So the six years overlaps the Master of Law?</p> <p>17 A. Well, it was part of my cover.</p> <p>18 Q. Oh, okay. Being enrolled as a student,</p> <p>19 getting your Master of Law, was?</p> <p>20 A. Yes.</p> <p>21 Q. And did you, at the end of that six years,</p> <p>22 leave the CIA?</p> <p>23 A. I did.</p> <p>24 Q. And where did you work next?</p>	<p>1 Ms. Orozco various aspects of The Slane Company's</p> <p>2 business and so forth. After 1984, were there any</p> <p>3 other positions or activities that you engaged in,</p> <p>4 other than with the various Slane Company-type things</p> <p>5 we've talked about?</p> <p>6 A. Yes, I've had a number of political</p> <p>7 appointments.</p> <p>8 Q. Okay. Let's start with the first one</p> <p>9 post-White House under President Ford.</p> <p>10 A. I was appointed to the Ohio Water Development</p> <p>11 Authority by the Governor.</p> <p>12 Q. And how long were you in that position?</p> <p>13 A. About a year.</p> <p>14 Q. What year was that?</p> <p>15 A. 1990.</p> <p>16 Q. What was the next political appointment?</p> <p>17 A. The Ohio Building Authority.</p> <p>18 Q. When was that?</p> <p>19 A. 1991.</p> <p>20 Q. How long were you in that position?</p> <p>21 A. Eight years.</p> <p>22 Q. So through, roughly, 1999?</p> <p>23 A. Yes.</p> <p>24 Q. And what was the next appointment?</p>
Page 102	Page 104
<p>1 A. I worked in the White House under Gerald</p> <p>2 Ford.</p> <p>3 Q. And what was your role at the White House?</p> <p>4 A. As a Staff Assistant.</p> <p>5 Q. In what capacity?</p> <p>6 A. I was in the Political Advance Office.</p> <p>7 Q. What is the "Political Advance Office"?</p> <p>8 A. The President receives thousands of</p> <p>9 invitations and we would sift through them and make</p> <p>10 recommendations on which he should accept and then go</p> <p>11 out and staff the trip.</p> <p>12 Q. And how long did you work at the White House?</p> <p>13 A. Two years.</p> <p>14 Q. And then what did you do after that?</p> <p>15 A. Came back and went to work in Columbus as a</p> <p>16 lawyer.</p> <p>17 Q. How long did you work as a lawyer in</p> <p>18 Columbus?</p> <p>19 A. Until about 1984.</p> <p>20 Q. What did you do at that point?</p> <p>21 A. I started a real estate development company.</p> <p>22 Q. What was the name of that?</p> <p>23 A. The Slane Company.</p> <p>24 Q. And you have discussed in some detail with</p>	<p>1 A. I was on the Ohio Board of Building Appeals.</p> <p>2 Q. And are all of these gubernatorial</p> <p>3 appointments?</p> <p>4 A. Yes.</p> <p>5 Q. How long were you on the Ohio Board of</p> <p>6 Building Appeals?</p> <p>7 A. About six years.</p> <p>8 Q. From when to when?</p> <p>9 A. '92 to '98.</p> <p>10 Q. And what was the next one?</p> <p>11 A. Trustee of The Ohio State University.</p> <p>12 Q. And so you were on the Board of Trustees of</p> <p>13 Ohio State University?</p> <p>14 A. Yes.</p> <p>15 Q. And how long were you on the Board of "The"</p> <p>16 Ohio State University Trustees? Sorry.</p> <p>17 A. Yeah. Nine years.</p> <p>18 Q. From when to when?</p> <p>19 A. 1998 to 2006.</p> <p>20 Q. And while on the Board of Trustees of The</p> <p>21 Ohio State University, did you hold any positions on</p> <p>22 that board?</p> <p>23 A. I chaired the board.</p> <p>24 Q. And from --</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 105	Page 107
<p>1 A. I was the Chairman of the University 2 Hospital, Chairman of the James Hospital Board. 3 Q. When were you chair of the Board of Trustees 4 of Ohio State? 5 A. 2005 to 2006. 6 Q. And you then said you were on the Board of 7 University Hospital? 8 A. Yes. 9 Q. And on the Board of James Hospital? 10 A. James Cancer Hospital, yeah. 11 Q. So those are two additional boards? 12 A. Yeah, but they're owned by Ohio State. 13 Q. But they are separate boards? 14 A. Yes, separate boards, yes. 15 Q. And were you appointed to those boards? 16 A. I was -- the boards -- those two hospital 17 boards required a Trustee to chair them and so I was 18 designated to do that by the Board of Trustees. 19 Q. So, effectively, a liaison from the Board of 20 Trustees of The Ohio State University -- 21 A. Correct. 22 Q. -- to these subordinate boards? 23 A. Correct. 24 Q. What years were those: University Hospital</p>	<p>1 Q. Cool. 2 -- did you have to get your security 3 clearance renewed? 4 A. Yes. 5 Q. And so 2007 to the present, you hold a 6 security clearance again? 7 A. Yes. 8 Q. And that security clearance is ...? 9 A. Top Secret. 10 Q. Any subdivisions within Top Secret? 11 A. Yeah, SC, which gives you access to CIA 12 briefings. 13 Q. I only attained a Secret and I didn't have 14 any subdivisions or anything because nobody cared about 15 the lawyers, I don't think. 16 Any other political appointments? 17 A. No. 18 Q. Estech Trading, LLC, is, obviously, an LLC. 19 Do you know who the member or members of Estech Trading 20 are? 21 A. Yes. 22 Q. Who are they? 23 A. Jan Michalek. 24 Q. Sole member?</p>
Page 106	Page 108
<p>1 and James Cancer Hospital? 2 A. 2000 through 2006. 3 Q. For both of them? 4 A. Yes. 5 Q. Any others? 6 A. Within Ohio State or -- 7 Q. No, just other political appointments. 8 A. Yeah, I was appointed to the U.S.-China 9 Economic and Security Review Commission. 10 Q. That's a mouthful. 11 A. Yeah. 12 Q. And when was that? 13 A. 2007. 14 Q. Through ...? 15 A. Currently serving. 16 Q. And who appointed you to that? 17 A. Minority Leader John Boehner. 18 Q. I am going to assume that the court reporter 19 can figure out how to spell "Boehner" because I never 20 get it right. 21 A. B-O-E-H-N-E-R. 22 Q. In order to serve on the U.S.-China Economic 23 and Security Review Commission -- Did I get it right? 24 A. Yes.</p>	<p>1 A. Yes. 2 Q. And is Slane Energy an LLC? 3 A. Yes. 4 Q. And I think you said you thought that Slane 5 Energy may have devolved into Estech U.S.A.? 6 A. Yes, I think so, yes. 7 (Discussion off the record.) 8 Q. With regard to the startup of Estech Trading, 9 are you aware of any capital contribution from AES to 10 Estech Trading? 11 A. I am not. 12 Q. Do you know what the capitalization of Estech 13 Trading, LLC, was at startup? 14 A. Zero. 15 Q. As I understood your testimony, Estech 16 Trading was an entity that you formed for Mr. Michalek. 17 A. Yes. 18 Q. And Estech U.S.A. was an entity that you 19 believe came out of Slane Energy. Where does the name, 20 "Estech," come from? What is that? 21 A. It -- we had -- we had a -- we had a licensee 22 in the UK and he -- the licensee came up with the name. 23 Q. You've talked about a Performance Bond that 24 was required by Tianjin -- Minerals?</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 109	Page 111
<p>1 A. Yes.</p> <p>2 Q. -- in Taiwan.</p> <p>3 And when we talk about China with regard to</p> <p>4 this case, we are really talking about Taiwan?</p> <p>5 A. No, mainland China.</p> <p>6 Q. Tianjin is PRC rather than Taiwanese-owned?</p> <p>7 A. Yes.</p> <p>8 Q. But it's located in Taiwan?</p> <p>9 A. No, it's located in mainland China. It's</p> <p>10 owned by the Chinese government.</p> <p>11 Q. Okay. Then, I got confused. Somewhere in</p> <p>12 all of this, I thought there was a discussion about</p> <p>13 Taiwan, so -- but that's not right?</p> <p>14 A. Correct.</p> <p>15 Q. So whenever, in this case, we talk about</p> <p>16 China, we are talking about the PRC?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. Thank you.</p> <p>19 Since Tianjin was buying the iron ore and</p> <p>20 they were putting up a Letter of Credit that wouldn't</p> <p>21 be funded until shipping documents were issued plus</p> <p>22 five days, as I recall from the e-mails, what was the</p> <p>23 Performance Bond for?</p> <p>24 A. They require the supplier to put up a</p>	<p>1 it the cargo that fell through?</p> <p>2 A. The ship fell through. I don't know what</p> <p>3 happened. I got a frantic phone call from Jan around</p> <p>4 November 30th and he had -- he had -- they had lost the</p> <p>5 ship. And I don't know how he got to Yuriy. I don't</p> <p>6 know whether Johan directed him or -- but he asked me</p> <p>7 to follow up on the shipping because he was too busy</p> <p>8 dealing with the miner.</p> <p>9 Q. Had you, at any time before, been personally</p> <p>10 involved with shipping contracts, contracts to procure</p> <p>11 a ship?</p> <p>12 A. No.</p> <p>13 Q. So I take it you were largely relying on Mr.</p> <p>14 Schild?</p> <p>15 A. Yes.</p> <p>16 Q. Ms. Orozco showed you a document which was</p> <p>17 Exhibit 26 and it should be in front of you.</p> <p>18 MR. WINTON: I'd like to have the court</p> <p>19 reporter mark this as Exhibit 61.</p> <p>20 - - -</p> <p>21 A FOUR-PAGE DOCUMENT ENTITLED,</p> <p>22 "TIME CHARTER," (CHARTER PARTY),</p> <p>23 DATED 12/2/10, AND 24 PAGES OF</p> <p>24 ATTACHMENTS, BATES-STAMPED</p>
Page 110	Page 112
<p>1 Performance Bond, and in the event that the supplier</p> <p>2 doesn't perform, then they will keep the bond.</p> <p>3 Q. And I am baffled by why a buyer would require</p> <p>4 a seller to post a Performance Bond.</p> <p>5 A. I think the concept is that they are counting</p> <p>6 on that shipment to arrive and there is great</p> <p>7 inconvenience to them if they are not going to get that</p> <p>8 iron ore, and so there is a penalty attached if you</p> <p>9 don't perform.</p> <p>10 Q. Okay. I understand now.</p> <p>11 A. But it's standard in the industry.</p> <p>12 Q. Okay. It's standard in the industry around</p> <p>13 the world or particularly in dealing with PRC?</p> <p>14 A. No. Around the world.</p> <p>15 Q. Okay.</p> <p>16 A. Uh-huh.</p> <p>17 Q. You talked about there having been a prior</p> <p>18 ship to the ship and the arrangements that lead to this</p> <p>19 lawsuit?</p> <p>20 A. Yes.</p> <p>21 Q. Did you have any involvement in making the</p> <p>22 arrangements for the prior ship?</p> <p>23 A. No.</p> <p>24 Q. And you said that ship fell through, or was</p>	<p>1 MILESTONE-000150 THROUGH 0177, WERE</p> <p>2 MARKED AS EXHIBIT 61.</p> <p>3 - - -</p> <p>4 BY MR. WINTON:</p> <p>5 Q. And the document that Ms. Orozco showed you</p> <p>6 that was Exhibit 26, unfortunately -- and it's probably</p> <p>7 my fault; I marked it in the order in which it was</p> <p>8 produced, but as she pointed out, it causes the pages</p> <p>9 to be a bit scrambled. You said you had not seen that</p> <p>10 document before.</p> <p>11 And you are not likely to recognize it from</p> <p>12 that one because I gave you the wrong document.</p> <p>13 That's okay. Go ahead, finish looking at it</p> <p>14 and tell me whether or not you have seen that before.</p> <p>15 A. No, I have not. I don't remember seeing</p> <p>16 this.</p> <p>17 Q. Let me see what I gave you.</p> <p>18 A. (Handing.)</p> <p>19 Q. I think this is your Charter for the -- this</p> <p>20 is the underlying Charter.</p> <p>21 MS. OROZCO: Yeah. Uh-huh.</p> <p>22 MR. WINTON: Yeah, that's not the one I ...</p> <p>23 MS. OROZCO: If you want it, the -- We can go</p> <p>24 off the record for a second.</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 113	Page 115
<p>1 (Discussion off the record.)</p> <p>2 MR. WINTON: Let's go ahead and mark this as</p> <p>3 62.</p> <p>4 ---</p> <p>5 A 29-PAGE DOCUMENT ENTITLED,</p> <p>6 "VERIFIED AMENDED COMPLAINT," WAS</p> <p>7 MARKED AS EXHIBIT 62.</p> <p>8 ---</p> <p>9 BY MR. WINTON:</p> <p>10 Q. If you will look at the first exhibit in</p> <p>11 Exhibit 62, it's labeled "Exhibit 1," --</p> <p>12 A. Yes.</p> <p>13 Q. -- you will see what the Plaintiff has</p> <p>14 attached to their Complaint as the Charter Party</p> <p>15 between Estech Trading and Milestone.</p> <p>16 A. Uh-huh.</p> <p>17 Q. So with it now in a logical sequence, do you</p> <p>18 recognize that document?</p> <p>19 A. No, not really.</p> <p>20 Q. Okay.</p> <p>21 Take a look at Exhibit 62 two again, if you</p> <p>22 would.</p> <p>23 A. Okay.</p> <p>24 Q. And look at the last exhibit. It's labeled</p>	<p>1 Q. You indicated that Mr. Michalek has no role</p> <p>2 in The Slane Company. Does he, or did he have any</p> <p>3 direct role in Slane Energy?</p> <p>4 A. Not to my knowledge.</p> <p>5 Q. And what puzzles me is that Estech U.S.A.,</p> <p>6 LLC's Web Page lists Slane Energy as an affiliate of</p> <p>7 Estech U.S.A., LLC. Are you aware of that?</p> <p>8 A. Yeah, I -- I can't recall whether there was</p> <p>9 an entity formed for some other reason, that was</p> <p>10 related to Estech U.S.A., or whether it was a</p> <p>11 predecessor. I can't -- but it's -- I really can't</p> <p>12 recall what -- why it was formed or what it had, if</p> <p>13 anything, and -- and I think it's -- it's defunct now;</p> <p>14 there's nothing there.</p> <p>15 Q. Are you able to give us a precise number, or</p> <p>16 perhaps to estimate the total number of entities --</p> <p>17 these special-purpose entities that sort of fall under</p> <p>18 The Slane -- Slane Company's umbrella?</p> <p>19 A. Well, we had real estate developments in New</p> <p>20 York, New Jersey, Ohio -- 12 states, so we had a lot of</p> <p>21 projects, and -- but the banks have either taken them</p> <p>22 over or foreclosed or there's very -- there's probably,</p> <p>23 I don't know, maybe six or eight left.</p> <p>24 Q. How many were there --</p>
Page 114	Page 116
<p>1 as Exhibit 2 to Exhibit 62, and that is the document --</p> <p>2 that's another copy of the document that I believe</p> <p>3 Ms. Orozco showed you, that is the fully-signed</p> <p>4 version.</p> <p>5 (Discussion off the record.)</p> <p>6 BY MR. WINTON:</p> <p>7 Q. Have you ever seen that document before?</p> <p>8 A. No.</p> <p>9 Q. Take a look at the signature for Estech.</p> <p>10 So, do you recall who signed that?</p> <p>11 A. Oh, I think I signed that, yes.</p> <p>12 Q. Okay. So that came in to Estech and/or you,</p> <p>13 and you were the one who executed that document?</p> <p>14 A. Yes. This is December 2nd. Yeah. Uh-huh.</p> <p>15 Q. Yeah.</p> <p>16 A. Right.</p> <p>17 Q. Is it your recollection that there were</p> <p>18 various drafts of the Escrow Agreement going back and</p> <p>19 forth and there was a change made to the Escrow</p> <p>20 Agreement to reflect a change of the Laycan?</p> <p>21 A. Yes.</p> <p>22 Q. Do you have an understanding of what "Laycan"</p> <p>23 is?</p> <p>24 A. No.</p>	<p>1 How many have existed at one time or another?</p> <p>2 A. Maybe 20. 20 -- well, we -- we built 100</p> <p>3 drug stores for Rite-Aid and many of them were</p> <p>4 single-purpose entities. We built shopping centers for</p> <p>5 Wal-Mart, K-Mart, Big Bear, which was a large</p> <p>6 supermarket chain headquartered in Columbus. So</p> <p>7 it's -- I -- some of them, we had single-purpose</p> <p>8 entities; some of them, we didn't. And then we had</p> <p>9 projects in New York City, in Florida, and in</p> <p>10 So there were a lot of them at one time.</p> <p>11 Q. Could the total number be in the hundreds?</p> <p>12 A. Perhaps, yeah. Uh-huh.</p> <p>13 Q. You mentioned that since the -- I've</p> <p>14 forgotten the phrase you used, but basically the</p> <p>15 economic meltdown in the last few years, since then,</p> <p>16 you have been spending a lot of time with lawyers and</p> <p>17 banks, bankers.</p> <p>18 A. Yes.</p> <p>19 Q. I take it that is in dealing with reversals</p> <p>20 of fortune in the real estate market and such?</p> <p>21 A. Yes.</p> <p>22 Q. At the time that that -- before the meltdown,</p> <p>23 if any of us can remember it, when you were going to</p> <p>24 banks requesting financing for your various projects,</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 117	Page 119
<p>1 what would you typically represent your net worth to</p> <p>2 the bank to be?</p> <p>3 A. About \$100,000,000.</p> <p>4 Q. And that was a fairly accurate statement of</p> <p>5 what your net worth was at that time?</p> <p>6 A. Yes.</p> <p>7 Q. There's a series of e-mails going back and</p> <p>8 forth and we will probably get to them in a few</p> <p>9 minutes, but there's an exchange between you and Yuriy,</p> <p>10 I believe, in which there is a discussion about a clean</p> <p>11 fixture. Do you recall that?</p> <p>12 A. "Clean fixture."</p> <p>13 Q. For the ship.</p> <p>14 Fixing the Charter Party, in other words.</p> <p>15 A. Oh. No, not really.</p> <p>16 Q. As you sit here right now, particularly</p> <p>17 without having looked at the documents, do you have an</p> <p>18 understanding of what it means when it says to "fix a</p> <p>19 vessel clean"?</p> <p>20 A. No.</p> <p>21 Q. Again, is it correct that you were relying on</p> <p>22 Mr. Schild for that expertise?</p> <p>23 A. Yes.</p> <p>24 Q. I apologize, I've got to kind of jump around</p>	<p>1 A. Correct.</p> <p>2 MR. WINTON: Why don't we take a break for</p> <p>3 lunch and I'll shift gears. Let's go off the record.</p> <p>4 (Recess taken.)</p> <p>5 BY MR. WINTON:</p> <p>6 Q. You answered a number of questions by</p> <p>7 Ms. Orozco with regard to the Charter Party and some of</p> <p>8 the other contracts that relate to this purchase and</p> <p>9 sale of iron ore -- at least the intended purchase and</p> <p>10 sale. I'd like you to focus on AES with regard to</p> <p>11 those various contracts. What, if any, role did AES</p> <p>12 have with regard to the negotiation of the Charter</p> <p>13 Party?</p> <p>14 A. None.</p> <p>15 Q. What, if any, role did AES have with regard</p> <p>16 to the negotiation of the purchase contract, purchase</p> <p>17 of the iron ore?</p> <p>18 A. None.</p> <p>19 Q. What, if any, role did AES have with regard</p> <p>20 to the contract for the sale of the iron ore to Tianjin</p> <p>21 Materials?</p> <p>22 A. None.</p> <p>23 Q. What role did AES have, if any, with regard</p> <p>24 to finding a potential seller of the iron ore, in other</p>
Page 118	Page 120
<p>1 in the notes to make sure we don't just go through the</p> <p>2 same stuff all over again.</p> <p>3 Exhibit 54, if you would pick that one up,</p> <p>4 please. That's the December 10 letter on AES</p> <p>5 letterhead.</p> <p>6 (Discussion off the record.)</p> <p>7 A. Got it. Okay.</p> <p>8 Q. That is a document that is talking about</p> <p>9 arrangements that affect Estech Trading and you and</p> <p>10 AES; is that a fair statement?</p> <p>11 A. Yes.</p> <p>12 Q. And you said that you were aware, generally,</p> <p>13 of what was going on, but you did not specifically</p> <p>14 review this document at the time it was executed?</p> <p>15 A. I think I may have -- I think -- I think -- I</p> <p>16 think Tom showed it to me and it was fine with me.</p> <p>17 Q. I don't see a place for a signature by you or</p> <p>18 Slane Company or any of the Slane interests.</p> <p>19 A. Correct.</p> <p>20 Q. Do you have an understanding why?</p> <p>21 A. No.</p> <p>22 Q. But you would agree that the document is not</p> <p>23 signed by you or anyone on behalf of the Slane</p> <p>24 interests?</p>	<p>1 words, the Mexican miner?</p> <p>2 A. None.</p> <p>3 Q. What, if any, role did AES have with regard</p> <p>4 to finding the potential buyer, Tianjin?</p> <p>5 A. None.</p> <p>6 Q. Is that "Tianjin"?</p> <p>7 A. "Tianjin."</p> <p>8 Q. "Tianjin"?</p> <p>9 A. Right.</p> <p>10 Q. What role, if any, did AES have with regard</p> <p>11 to locating a vessel?</p> <p>12 A. None.</p> <p>13 Q. Is it correct that AES's only role, with</p> <p>14 regard to the \$500,000, was putting up the 500,000?</p> <p>15 A. Yes.</p> <p>16 Q. You indicated that, with regard to that, that</p> <p>17 AES was willing to do that if, and only if, certain</p> <p>18 conditions, terms were met.</p> <p>19 A. Yes.</p> <p>20 Q. What were those terms?</p> <p>21 A. They wanted collateral. They wanted some</p> <p>22 type of security.</p> <p>23 Q. Did AES also -- and, here, I'm referring to</p> <p>24 Mr. Moloney -- state that he wanted to review the</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 121	Page 123
<p>1 documents to make sure that the security was</p> <p>2 acknowledged by Milestone and Estech?</p> <p>3 A. Yes.</p> <p>4 Q. Was the security that was discussed a partial</p> <p>5 assignment of the Letter of Credit that came from the</p> <p>6 Chinese buyer?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know whether or not that partial</p> <p>9 assignment of the Letter of Credit was ever made to</p> <p>10 AES?</p> <p>11 A. I do not.</p> <p>12 Q. You do not know?</p> <p>13 A. Yeah, I -- I don't think so but I'm</p> <p>14 I don't think it ever was.</p> <p>15 Q. You've talked at times about various</p> <p>16 investors and transactions. Is it your understanding</p> <p>17 that AES's role, with regard to the \$500,000, was to be</p> <p>18 as a lender?</p> <p>19 A. Yes.</p> <p>20 Q. Are you aware of any time in which AES</p> <p>21 authorized Estech to negotiate or enter contracts on</p> <p>22 behalf of AES?</p> <p>23 A. No.</p> <p>24 Q. Are you aware of any time that Estech</p>	<p>1 deliver the iron ore by a certain date, which I think</p> <p>2 was December 30th; the ship had to leave the port in</p> <p>3 Mexico by December 30th; and if we couldn't get the</p> <p>4 ship en route to Mexico by December 2nd or 3rd, we</p> <p>5 couldn't make the time schedule.</p> <p>6 Q. So because Estech had had to put up a</p> <p>7 Performance Bond in favor of Tianjin, in order to meet</p> <p>8 a delivery date in China with the ore, the rush was:</p> <p>9 You had to get a Charter fixed and a vessel en route to</p> <p>10 Mexico to load the iron ore in time to make it back to</p> <p>11 China to meet the delivery date, or the Performance</p> <p>12 Bond would be forfeited?</p> <p>13 A. Correct.</p> <p>14 Q. The good thing is that Ms. Orozco has already</p> <p>15 gone over some of these questions.</p> <p>16 ---</p> <p>17 A ONE-PAGE E-MAIL STRING,</p> <p>18 CONTAINING A VOEVUDSKY/SLANE</p> <p>19 E-MAIL, SENT: 11/30/10,</p> <p>20 BATES-STAMPED MILESTONE 00000076,</p> <p>21 WAS MARKED AS EXHIBIT 63.</p> <p>22 ---</p> <p>23 BY MR. WINTON:</p> <p>24 Q. I wanted to call your attention to the e-mail</p>
Page 122	Page 124
<p>1 authorized AES to negotiate or enter contracts on</p> <p>2 behalf of Estech?</p> <p>3 A. No.</p> <p>4 Q. Are you aware of any circumstance in which</p> <p>5 anyone brought business to AES via Estech? In other</p> <p>6 words, Estech acted as a representative of AES in</p> <p>7 finding business?</p> <p>8 A. No.</p> <p>9 Q. Was it your understanding that AES's intent,</p> <p>10 and its position with regard to the \$500,000, was that</p> <p>11 it would, at all times, have the right to recall those</p> <p>12 funds until its demands with regard to security and</p> <p>13 other terms were satisfied?</p> <p>14 A. Correct.</p> <p>15 Q. As I looked at the communications back and</p> <p>16 forth and listened to the various testimony from you</p> <p>17 and from Mr. Wolfson, it seems that there was a -- all</p> <p>18 of this, with regard to the \$500,000 at least, was</p> <p>19 being done under great time pressure. Do you recall</p> <p>20 that?</p> <p>21 A. Correct. Yes, I do.</p> <p>22 Q. What was causing this time pressure?</p> <p>23 A. There was a ship that was available and we</p> <p>24 had to deliver the iron ore -- or Estech Trading had to</p>	<p>1 in the middle of the page. This is Milestone 076,</p> <p>2 which we've marked as Exhibit 63. Do you see that this</p> <p>3 is an e-mail that indicates it's to you, it's dated</p> <p>4 November 30, coming from Yuriy Voevudsky?</p> <p>5 A. Yes.</p> <p>6 Q. Do you recall receiving this?</p> <p>7 A. Yes, I think I do.</p> <p>8 Q. And I think you mentioned that there was a</p> <p>9 discussion that the ship interests were looking for</p> <p>10 some security for their costs of getting the vessel</p> <p>11 from China to the load port in Manzanillo, Mexico?</p> <p>12 A. Yes.</p> <p>13 Q. Is it your recollection that that's what this</p> <p>14 is about?</p> <p>15 A. Yes.</p> <p>16 ---</p> <p>17 A ONE-PAGE E-MAIL STRING, BEGINNING</p> <p>18 WITH A MICHALEK/CHARTERING</p> <p>19 CHAIKA-AGENCY E-MAIL, RECEIVED:</p> <p>20 11/30/10, BATES-STAMPED</p> <p>21 MILESTONE 00000078, WAS MARKED AS</p> <p>22 EXHIBIT 64.</p> <p>23 ---</p> <p>24 BY MR. WINTON:</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 125	Page 127
<p>1 Q. Mr. Slane, we have marked as Exhibit 64</p> <p>2 another e-mail. And most of what we are going to look</p> <p>3 at for the next few minutes are going to be e-mails.</p> <p>4 This is from Jan Michalek --</p> <p>5 A. Yes.</p> <p>6 Q. -- copied to you and it's going to Yuriy.</p> <p>7 A. Yes.</p> <p>8 Q. Do you see that at the top?</p> <p>9 A. Yes.</p> <p>10 Q. Do you recall receiving this at about that</p> <p>11 time?</p> <p>12 A. Yes.</p> <p>13 Q. And this is a reference --</p> <p>14 It says, "Attached is the copy of LC from</p> <p>15 Tianjin Materials. We have issued one assignment to</p> <p>16 Martinez group, the max value \$6,120,000."</p> <p>17 A. Yes.</p> <p>18 Q. Was the total Letter of Credit 10,000,000?</p> <p>19 A. I think it was just under</p> <p>20 10,000,000-something.</p> <p>21 Q. So this would indicate it was roughly</p> <p>22 9,120,000, and 6,120,000 is being assigned to the</p> <p>23 seller in Mexico?</p> <p>24 A. Yes.</p>	<p>1 A. Yes.</p> <p>2 Q. Do you recall receiving this at or about the</p> <p>3 time indicated?</p> <p>4 A. Yes.</p> <p>5 Q. And these were produced by Milestone so I'm</p> <p>6 assuming that these are coming from Mr. Voevudsky --</p> <p>7 A. Yes.</p> <p>8 Q. -- in Ukraine?</p> <p>9 A. Yes.</p> <p>10 Q. So it says 30/11/2010, and is it your</p> <p>11 understanding that's the European format of 30th</p> <p>12 November 2010?</p> <p>13 A. Yes.</p> <p>14 Q. And then, after that, it says 23:06:35?</p> <p>15 A. Yes.</p> <p>16 Q. Is it your understanding that's</p> <p>17 11:06-and-35-seconds -- 11 p.m.?</p> <p>18 A. Yes.</p> <p>19 Q. And based on the times that your office here</p> <p>20 in Columbus was open and conducting business, would it</p> <p>21 be your understanding that this means that this e-mail</p> <p>22 was received at 23:06:35 in Ukraine?</p> <p>23 A. Yes.</p> <p>24 Q. And is it your understanding there's roughly</p>
Page 126	Page 128
<p>1 Q. So that what Mr. Michalek is saying is: That</p> <p>2 leaves 3,000,000 for assignment to Milestone?</p> <p>3 A. Yes.</p> <p>4 ---</p> <p>5 A ONE-PAGE E-MAIL STRING,</p> <p>6 CONTAINING A SLANE/CHARTERING</p> <p>7 CHAIKA-AGENCY E-MAIL, RECEIVED:</p> <p>8 11/30/10, BATES-STAMPED</p> <p>9 MILESTONE 00000077, WAS MARKED AS</p> <p>10 EXHIBIT 65.</p> <p>11 ---</p> <p>12 BY MR. WINTON:</p> <p>13 Q. And on the e-mails that we've marked as</p> <p>14 Exhibit 65, I want to call your attention to the one</p> <p>15 that's on the bottom of the first page. I guess this</p> <p>16 is a one-page exhibit.</p> <p>17 A. Yes.</p> <p>18 Q. And this, apparently, is to you, sent</p> <p>19 November 30th from Yuriy?</p> <p>20 A. Yes.</p> <p>21 Q. And he's copying Mr. Michalek -- Well, it</p> <p>22 looks like it's both going to you and Mr. Michalek</p> <p>23 I'm sorry. There's no copy. It's to you and</p> <p>24 Mr. Michalek. Do you see that?</p>	<p>1 a seven-hour time difference between Columbus and</p> <p>2 Ukraine?</p> <p>3 A. Yes.</p> <p>4 Q. So apparently this would have been -- I'm</p> <p>5 working on it -- 16:06?</p> <p>6 A. Yes.</p> <p>7 Q. So that would be 4:06 in the afternoon?</p> <p>8 A. Yes.</p> <p>9 Q. And so was it your understanding, when you</p> <p>10 received this, that Mr. Voevudsky was telling you that</p> <p>11 they had English solicitors working on an Escrow</p> <p>12 Agreement?</p> <p>13 A. Yes.</p> <p>14 Q. And below that, he again asks you how much</p> <p>15 the Charterer, Estech, would be willing to post to the</p> <p>16 Escrow Account?</p> <p>17 A. Yes.</p> <p>18 ---</p> <p>19 A ONE-PAGE E-MAIL STRING, BEGINNING</p> <p>20 WITH A KOK/SLANE E-MAIL,</p> <p>21 BATES-STAMPED MILESTONE 00000079,</p> <p>22 WAS MARKED AS EXHIBIT 66.</p> <p>23 ---</p> <p>24 BY MR. WINTON:</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 129	Page 131
<p>1 Q. On Exhibit 66, I'd like you to focus your 2 attention on the bottom e-mail. 3 A. Yes. 4 Q. Do you recall receiving this e-mail from -- 5 I'm sorry. 6 This is from you to Mr. Voevudsky -- 7 A. Yes. 8 Q. -- Yuriy? 9 And you sent this on the 30th of November at 10 4:57 p.m. Columbus time? 11 A. Yes. 12 Q. And this appears to be responding to his 13 e-mail that we just looked at, Exhibit 65? 14 A. Yes. 15 Q. And you are telling him that you should be 16 able to post \$500,000? 17 A. Yes. 18 Q. And you are looking at the language of the 19 Letter of Credit with regard to the request for an 20 assignment? 21 A. Yes. 22 --- 23 A TWO-PAGE DOCUMENT CONTAINING A 24 VOEVUDSKY/SLANE E-MAIL, SENT:</p>	<p>1 Q. Then the next paragraph says: "Please kindly 2 note that we are there to fix the biz ..." 3 Is it your understanding that means the 4 "business"? 5 A. Yes. 6 Q. -- "after" signing "of Escrow Agreement and 7 confirmation that money received on Escrow Account." 8 A. Yes. 9 Q. So was it your understanding that what 10 Milestone, Mr. Voevudsky, was looking for, was: He 11 expected the money to come to them in escrow before 12 they fixed the Charter Party? 13 A. I don't really know what he 14 He expected -- 15 Can you rephrase that, the question? 16 Q. Yeah. 17 Based on this exchange of e-mails that we 18 have been going through, was it your understanding that 19 what Milestone, Mr. Voevudsky, was expecting was that 20 money was going to go into escrow, and once they 21 received that money, they were going to fix the Charter 22 or enter the contract? 23 A. Yes. 24 Q. And then the bottom paragraph is talking</p>
Page 130	Page 132
<p>1 12/1/10, BATES-STAMPED 2 MILESTONE 00000081 AND 0082, WAS 3 MARKED AS EXHIBIT 67. 4 --- 5 BY MR. WINTON: 6 Q. Exhibit 67. I'd like to call your attention 7 to the e-mail at the bottom of the first page. 8 A. Yes. 9 Q. Do you recall receiving this on or about the 10 1st of December at 5:53, so almost 6 p.m.? 11 A. Yes. 12 Q. Now, would you have gotten it then or would 13 you have picked it up the next morning? 14 A. No, I probably got it then. 15 Q. And this is to you and Mr. Michalek from 16 Mr. Voevudsky? 17 A. Yes. 18 Q. Again, talking about working on the Escrow 19 Agreement? 20 A. Yes. Well, the Letter of Credit. 21 Q. Well, the first paragraph says: "Meanwhile, 22 please note we are preparing the Escrow Agreement and 23 should send it to you in" the "next hour." 24 A. Yes, you are correct. Yeah.</p>	<p>1 about the status of the motor vessel called RODON, 2 R-O-D-O-N. 3 A. Yes. 4 Q. And that goes to the discussion you and I had 5 earlier about needing to find a vessel, get it fixed, 6 so that it could make a timely transit; but while 7 they're waiting to get final instructions and 8 arrangements from Estech to fix the Charter, there are 9 other people trying to charter those same vessels, so 10 they're pressing you to get this wrapped up so that 11 they can fix a Charter before they lose that vessel; 12 correct? 13 A. Yes. Correct. 14 Q. That was your understanding? 15 A. Yes, clearly. 16 --- 17 A TWO-PAGE E-MAIL STRING CONTAINING 18 A SLANE/CHARTERING CHAIKA-AGENCY 19 E-MAIL, RECEIVED: 12/1/10, 20 BATES-STAMPED MILESTONE 00000082 21 AND 0083, WAS MARKED AS EXHIBIT 68. 22 --- 23 BY MR. WINTON: 24 Q. On Exhibit 68, I wanted to draw your</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 133	Page 135
<p>1 attention to the e-mail at the bottom --</p> <p>2 A. Yes.</p> <p>3 Q. -- of the first page. It's a two-page</p> <p>4 e-mail. This is to you, again, from Mr. Voevudsky?</p> <p>5 A. Yes.</p> <p>6 Q. And he is transmitting to you a draft of the</p> <p>7 Escrow Agreement?</p> <p>8 A. Yes.</p> <p>9 Q. And this one, apparently, is coming out of</p> <p>10 Ukraine on the 1st of December at 2:52 in the</p> <p>11 afternoon, so that would be 7:52, almost 8 o'clock,</p> <p>12 here in Columbus?</p> <p>13 A. Yes.</p> <p>14 Q. So they are sending to you a proposed final</p> <p>15 draft of the Escrow Agreement which they had already</p> <p>16 signed. They are indicating that they are going to ask</p> <p>17 Mahoney --</p> <p>18 Was it your understanding that refers to</p> <p>19 Mahoney & Keane?</p> <p>20 A. Yes.</p> <p>21 Q. -- to act as the Escrow Agent. They are</p> <p>22 asking you to countersign it, stating, upon completion</p> <p>23 of above procedures, they will notify you and ask you</p> <p>24 to remit the agreed amount to the Escrow Account as</p>	<p>1 Q. No, the one on the bottom says "From: Dan</p> <p>2 Slane," "To: Mark Seward." Second page at the bottom.</p> <p>3 MS. OROZCO: Of Exhibit 60- --</p> <p>4 MR. WINTON: -8.</p> <p>5 THE WITNESS: Oh, in the middle of the page?</p> <p>6 Yeah, okay, I see it.</p> <p>7 MS. OROZCO: Oh, okay.</p> <p>8 BY MR. WINTON:</p> <p>9 Q. I'm at the very bottom. If you work your way</p> <p>10 up from the bottom, there's a "From: Mark Seward," to</p> <p>11 you, but above that, "From: Dan Slane," "To: Mark</p> <p>12 Seward," and it says: "The bank has confirmed it."</p> <p>13 And I assume, there, you are referring to the Letter of</p> <p>14 Credit?</p> <p>15 A. Yes.</p> <p>16 Q. And you are telling him the funding will</p> <p>17 occur, on the Letter of Credit, five business days</p> <p>18 after receipt of the shipping docs?</p> <p>19 A. Correct.</p> <p>20 Q. Is it your understanding that what that</p> <p>21 refers to is that, upon loading of the cargo, the</p> <p>22 vessel will issue Bills of Lading and other documents</p> <p>23 relating to the export of the material; they will be</p> <p>24 delivered to the buyer, Estech, and then Estech will</p>
Page 134	Page 136
<p>1 soon as possible; correct?</p> <p>2 A. Yes.</p> <p>3 Q. So they signed the Escrow Agreement, they are</p> <p>4 sending it to you, looking to you to sign it, and then</p> <p>5 once everything has been signed, then they expect</p> <p>6 Estech to put money in escrow?</p> <p>7 A. Yes.</p> <p>8 Q. So this is 7 o'clock -- almost 8 o'clock in</p> <p>9 the morning on December 1st; correct?</p> <p>10 A. Yes.</p> <p>11 Q. And is it December 1st that you met with</p> <p>12 Mr. Jacobs and Mr. Moloney at American Energy</p> <p>13 Services --</p> <p>14 A. Yes.</p> <p>15 Q. -- at their office here in Columbus?</p> <p>16 A. Yes.</p> <p>17 Q. If you'll look at the second page on Exhibit</p> <p>18 68, at the bottom, there is an e-mail from you to Mark</p> <p>19 Seward, and that's the individual Ms. Orozco asked you</p> <p>20 about; correct?</p> <p>21 A. Correct.</p> <p>22 Q. The solicitor on behalf of Milestone in</p> <p>23 London?</p> <p>24 A. Correct. Yeah. It's from Seward to me.</p>	<p>1 forward those to the bank in China, and five days</p> <p>2 later, the Letter of Credit will fund?</p> <p>3 A. Well, the documents would be issued. Then</p> <p>4 those documents would go to US Bank in St. Louis. They</p> <p>5 would take a day to review them and then they would</p> <p>6 forward them on to the Chinese bank, who had five</p> <p>7 banking days to review them and fund.</p> <p>8 Q. What was US Bank's role in this?</p> <p>9 A. They were handling the Letter of Credit from</p> <p>10 the Chinese bank.</p> <p>11 Q. Okay. So the Letter of Credit is issued on</p> <p>12 the Chinese bank but US Bank is acting to facilitate</p> <p>13 the transaction with regard to the Letter of Credit</p> <p>14 here in The United States?</p> <p>15 A. Yeah, and Jan had an account with US Bank so</p> <p>16 the funds were going to go from the Chinese bank to the</p> <p>17 US Bank once the Letter of Credit had been executed --</p> <p>18 or complied with.</p> <p>19 Q. During Mr. Wolfson's deposition, he indicated</p> <p>20 that he had never heard of US Bank before and didn't</p> <p>21 know whether it was a legitimate entity or what. Can</p> <p>22 you tell us what you know about US Bank?</p> <p>23 A. It's one of the major banks in The United</p> <p>24 States. It's -- I forget exactly. It's like the</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 137	Page 139
<p>1 fifth- or seventh-largest bank in The United States and</p> <p>2 they have a very extensive international office, and</p> <p>3 the bank officer handling this had done numerous</p> <p>4 commodity projects.</p> <p>5 ---</p> <p>6 DOCUMENT MARKED AS EXHIBIT 69, LATER</p> <p>7 WITHDRAWN.</p> <p>8 ---</p> <p>9 BY MR. WINTON:</p> <p>10 Q. This is a one-page e-mail that we've marked</p> <p>11 as Exhibit 69.</p> <p>12 A. Yes.</p> <p>13 Q. In the middle, there is an e-mail from</p> <p>14 Mr. Seward to you --</p> <p>15 MS. OROZCO: Can we stop for a moment?</p> <p>16 (Discussion off the record.)</p> <p>17 BY MR. WINTON:</p> <p>18 Q. So if we go to the top of the second page of</p> <p>19 68, you say, "Got it" -- This is from you. -- "Got it</p> <p>20 and will get it done." You're referring to the Escrow</p> <p>21 Agreement or the Letter of Credit?</p> <p>22 A. I think I'm referring to the Letter of</p> <p>23 Credit.</p> <p>24 Q. Yeah, there is an e-mail from you to Mark</p>	<p>1 12/1/10, BATES-STAMPED</p> <p>2 MILESTONE 00000084, WAS MARKED AS</p> <p>3 EXHIBIT 69.</p> <p>4 ---</p> <p>5 BY MR. WINTON:</p> <p>6 Q. Exhibit 69, again, is a -- this one is a</p> <p>7 one-page exhibit that has a series of e-mails on it.</p> <p>8 This is one of the problems with this production of</p> <p>9 documents, is: Now, it looks like we've partially got</p> <p>10 the exact same page, only we've got a new e-mail in the</p> <p>11 middle of it, so</p> <p>12 And I'd like you to focus on the one that is</p> <p>13 all caps: "Dear Mr. Daniel Slane.</p> <p>14 "Please kindly note ..."</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Do you recall receiving this one from</p> <p>17 Mr. Voevudsky?</p> <p>18 A. Yes.</p> <p>19 Q. And you would have received this one on the</p> <p>20 1st of December at 2 o'clock, roughly, in the</p> <p>21 afternoon, Columbus time?</p> <p>22 A. Yes.</p> <p>23 Q. Do you remember what time you met with</p> <p>24 Mr. Jacobs and Mr. Moloney? Was it late in the day?</p>
Page 138	Page 140
<p>1 Seward right below that, where you say, "Mark: The</p> <p>2 L/C. Dan."</p> <p>3 A. Yeah.</p> <p>4 Q. So were you transmitting the Letter of Credit</p> <p>5 to him?</p> <p>6 A. Yes, right.</p> <p>7 Q. Sometimes, these don't show when there is an</p> <p>8 attachment so it's a little hard to follow at times.</p> <p>9 A. Right.</p> <p>10 Q. Then the one right above that, you're saying,</p> <p>11 "Got it and will get it done," so that must be</p> <p>12 referring back down to Mr. Seward's e-mail to you?</p> <p>13 A. Yes.</p> <p>14 Q. And he is saying: "Still await comments on</p> <p>15 the escrow."</p> <p>16 So he is asking you for comments on the</p> <p>17 escrow; correct?</p> <p>18 A. No, I think he's -- I think he's waiting for</p> <p>19 his U.S. lawyer to give him comments.</p> <p>20 Q. Okay.</p> <p>21 (Discussion off the record.)</p> <p>22 ---</p> <p>23 A ONE-PAGE E-MAIL STRING CONTAINING</p> <p>24 A VOEVUDSKY/SLANE E-MAIL, SENT:</p>	<p>1 A. I think it was sometime in the afternoon but</p> <p>2 I really can't remember.</p> <p>3 Q. So Mr. Voevudsky is saying to you: "... we</p> <p>4 are glad that we managed to come to the solution.</p> <p>5 Nevertheless, please ..."</p> <p>6 Do you know what that refers to?</p> <p>7 A. Yeah. They wanted a million dollars and I</p> <p>8 said we could never raise that kind of money, so we</p> <p>9 agreed on \$500,000.</p> <p>10 Q. Oh, they wanted a million dollars for the</p> <p>11 escrow?</p> <p>12 A. Right. Yes.</p> <p>13 Q. He goes on: "Nevertheless, please kindly</p> <p>14 note till signing of Escrow Agreement and confirmation</p> <p>15 that USD 500,000.00 are on Escrow Account, we cannot</p> <p>16 fix the vessel"; correct?</p> <p>17 A. Yes.</p> <p>18 Q. So, again, this is the same comment from Mr.</p> <p>19 Voevudsky that they are not going to fix the Charter,</p> <p>20 enter the Charter, until the 500,000 is in escrow;</p> <p>21 correct?</p> <p>22 A. Correct.</p> <p>23 Q. And on these e-mails we have been looking at,</p> <p>24 I don't see any of this going to American Energy</p>

Deposition of: Dan Slane, taken on June 21, 2011

<p style="text-align: right;">Page 141</p> <p>1 Services. Am I missing something here?</p> <p>2 A. No, you are not.</p> <p>3 Q. So this is strictly between Mr. Voevodsky and</p> <p>4 Estech?</p> <p>5 A. Yes.</p> <p>6 Q. I am going to try to skip some of this.</p> <p>7 ---</p> <p>8 A TWO-PAGE E-MAIL STRING CONTAINING</p> <p>9 A SLANE/CHARTERING CHAIKA-AGENCY</p> <p>10 E-MAIL, RECEIVED: 12/2/10,</p> <p>11 BATES-STAMPED MILESTONE 00000085</p> <p>12 AND 0086, WAS MARKED AS EXHIBIT 70.</p> <p>13 ---</p> <p>14 BY MR. WINTON:</p> <p>15 Q. We have marked another group of e-mails as</p> <p>16 Exhibit 70. I wanted to call your attention to the one</p> <p>17 that begins at the bottom of the first page, and as I</p> <p>18 understand it, this is an e-mail from you to something</p> <p>19 called Operations AfinaPallada.</p> <p>20 A. Yes.</p> <p>21 Q. Do you have a recollection of who or what</p> <p>22 that is?</p> <p>23 A. No.</p> <p>24 Q. Do you recall sending this e-mail?</p>	<p style="text-align: right;">Page 143</p> <p>1 A. Yes.</p> <p>2 Q. Were you familiar with them and able to</p> <p>3 explain them to him?</p> <p>4 A. I was not.</p> <p>5 Q. Do you recall that Mr. Moloney made some</p> <p>6 changes to that draft of the Escrow Agreement</p> <p>7 consistent with his statement that AES wanted to make</p> <p>8 sure that they had reviewed and approved the</p> <p>9 documentation of the underlying transaction?</p> <p>10 A. Yes.</p> <p>11 Q. Did he give you those changes at that time --</p> <p>12 A. No.</p> <p>13 Q. -- or did he say he'd have them the next day?</p> <p>14 A. I really can't remember. It's probably the</p> <p>15 next day.</p> <p>16 Q. And you are indicating here, late on the 1st,</p> <p>17 that changes to the Escrow Agreement will follow.</p> <p>18 A. Correct.</p> <p>19 ---</p> <p>20 A FOUR-PAGE DOCUMENT ENTITLED,</p> <p>21 "ESCROW AGREEMENT DATED</p> <p>22 02/12/2010," UNSIGNED, WAS MARKED</p> <p>23 AS EXHIBIT 71.</p> <p>24 ---</p>
<p style="text-align: right;">Page 142</p> <p>1 A. I don't recall it.</p> <p>2 Q. This appears to have been sent at almost</p> <p>3 midnight Ukraine time, so that would be 17:00,</p> <p>4 basically, here, so 5 p.m.?</p> <p>5 A. Yes.</p> <p>6 Q. So this, apparently, is at the end of the</p> <p>7 day?</p> <p>8 A. Yes.</p> <p>9 Q. Is it your recollection that, by this point,</p> <p>10 you had met with Mr. Jacobs and Mr. Moloney?</p> <p>11 A. Yes.</p> <p>12 Q. And do you recall that it was during that</p> <p>13 meeting that AES said that they were willing to loan</p> <p>14 \$500,000 if, and only if, they obtained security and</p> <p>15 some other conditions were met with regard to</p> <p>16 documentation?</p> <p>17 A. Correct.</p> <p>18 Q. And do you also recall that Mr. Moloney was</p> <p>19 puzzled by the draft of the Escrow Agreement that you</p> <p>20 brought to him, in terms of what it meant?</p> <p>21 A. Yes.</p> <p>22 Q. Is it your recollection that he was</p> <p>23 unfamiliar with some of the abbreviations that were</p> <p>24 used in that document?</p>	<p style="text-align: right;">Page 144</p> <p>1 BY MR. WINTON:</p> <p>2 Q. I've handed you what we have marked as</p> <p>3 Exhibit 71.</p> <p>4 A. 71, yes.</p> <p>5 Q. And that is what I understand to be a draft</p> <p>6 of what's been referred to in this case as an "Escrow</p> <p>7 Agreement."</p> <p>8 A. Yes.</p> <p>9 Q. Do you recognize that to be a document that</p> <p>10 has some insertions by Mr. Moloney adding definitions</p> <p>11 to some of the abbreviations?</p> <p>12 A. Yes.</p> <p>13 Q. Do you remember transmitting that to either</p> <p>14 Mahoney & Keane or to Mr. Voevodsky?</p> <p>15 A. I think I sent it to Yuriy.</p> <p>16 Q. To Mr. Voevodsky?</p> <p>17 A. Yes.</p> <p>18 Q. In that meeting with Mr. Jacobs and</p> <p>19 Mr. Moloney, did he, at that time, show you a draft of</p> <p>20 a letter that he was going to send to the proposed</p> <p>21 Escrow Agents, Mahoney & Keane, in New York?</p> <p>22 A. Yes.</p> <p>23 Q. And I believe you indicated earlier that you</p> <p>24 had some comments on it about showing -- about allowing</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 145	Page 147
<p>1 Mahoney & Keane to let Milestone know that it had 2 received the money? 3 A. Yes. 4 Q. And did Mr. Moloney add that comment to his 5 initial draft of the letter? 6 A. Yeah, he was concerned about 7 misinterpretation and, I think, added a couple of 8 sentences to clarify the issue, at the end of the 9 letter. 10 Q. And is it your understanding that Mr. Moloney 11 then sent that letter to the proposed Escrow Agents in 12 New York? 13 A. Yes. 14 Q. And was it your understanding from that 15 discussion that when that money was transmitted to New 16 York, that it would not be immediately available to 17 Milestone but it would have to await further 18 developments with regard to securing the loan and 19 further documentation? 20 A. Yes. 21 MS. OROZCO: Objection. 22 --- 23 A ONE-PAGE E-MAIL STRING, 24 CONTAINING A SLANE/CHARTERING</p>	<p>1 tomorrow. We cannot get our changes on the Escrow 2 Agreement done until tomorrow. We only have one hour 3 left to wire. Waiting to hear from Mr. Garth Wolfson 4 at Mahoney & Keane"; correct? 5 A. Yes. 6 Q. You've got Milestone saying to you: "We are 7 not going to fix the vessel until we have the 500,000;" 8 and you've got AES telling you: "We will send the 9 money but we are not going to release it until we've 10 had certain conditions met"; correct? 11 A. Yes. 12 Q. Did you understand there was a conflict 13 between those two? 14 A. Well, Yuriy backed off and said: "As long as 15 the money is in the Trust Account, we will fix the 16 ship." 17 Q. Was it your understanding that what that 18 meant is that, as long as the money was physically in 19 Mahoney & Keane's possession, even though AES had, 20 effectively, not taken its hand off the money, it still 21 was subject to recall by AES for any reason, at any 22 time, that that was sufficient for Milestone's 23 purposes? 24 A. Yes.</p>
Page 146	Page 148
<p>1 CHAIKA-AGENCY E-MAIL, RECEIVED: 2 12/2/10, BATES-STAMPED 3 MILESTONE 00000085, WAS MARKED AS 4 EXHIBIT 72. 5 --- 6 BY MR. WINTON: 7 Q. Exhibit 72 is, I believe, a one-page 8 document; correct? 9 A. Yes. 10 Q. And again, we have a series of e-mails here? 11 A. Yes. 12 Q. And up at the top is an e-mail from you to -- 13 this is going to Yuriy Voevodsky? 14 A. Yes. 15 Q. And this is on December 2nd? 16 A. Correct. 17 Q. It's being received in Ukraine at basically 18 01:00 in the morning on December 2nd, so you were 19 sending it at, basically, 8 o'clock at night Columbus 20 time? 21 A. Yes. 22 Q. And here, you say: "Juri (sic): We are 23 prepared to wire the \$500,000 per your request this 24 afternoon subject to approval of the Escrow Agreement</p>	<p>1 MS. OROZCO: Objection. 2 BY MR. WINTON: 3 Q. So was it your understanding that there was, 4 in fact, no conflict between these two documents? 5 A. Correct. 6 He was -- Yuriy was more interested in 7 knowing that the money existed than completing the 8 formalities of the Escrow Agreement, and willing to 9 move on fixing the ship on that basis. 10 Q. There's an e-mail that talks about sending 11 the money to Mahoney & Keane simply to prove that 12 Estech has those funds available, and this is an e-mail 13 from someone else to someone else, so I haven't shown 14 it to you, nor has Ms. Orozco? 15 A. Correct. 16 Q. Is it your understanding that that statement 17 is consistent with what Milestone was telling you? 18 A. Yes. 19 MS. OROZCO: Objection. 20 --- 21 A ONE-PAGE E-MAIL STRING, 22 CONTAINING A VOEVUDSKY/SLANE 23 E-MAIL, SENT: 12/3/10, 24 BATES-STAMPED MILESTONE 00000089,</p>

Deposition of: Dan Slane, taken on June 21, 2011

<p style="text-align: right;">Page 149</p> <p>1 WAS MARKED AS EXHIBIT 73.</p> <p>2 - - -</p> <p>3 BY MR. WINTON:</p> <p>4 Q. Mr. Slane, we have marked as Exhibit 73 a</p> <p>5 one-page series of e-mails. We talked earlier about</p> <p>6 whether or not the Charter Party was ever entered and I</p> <p>7 want to draw your attention to the e-mail immediately</p> <p>8 under the words, "Original Message," with arrows going</p> <p>9 in both directions, that is to you, sent December 12,</p> <p>10 shortly before 1 a.m., presumably Ukraine time, so 6</p> <p>11 p.m. your time, here in Columbus.</p> <p>12 A. Yes.</p> <p>13 Q. I am sorry. I wanted to go to the one below</p> <p>14 that -- My mistake. -- From you to Chaika Agency, so</p> <p>15 that would be Yuriy Voevudsky?</p> <p>16 A. Yes.</p> <p>17 Q. And you are saying: "Yuri (sic): We hereby</p> <p>18 confirm MV SANTA BARBARA is clean fix on previously</p> <p>19 agreed terms"; correct?</p> <p>20 A. Yes.</p> <p>21 Q. So does that refresh your recollection as to</p> <p>22 when the Charter Party apparently was agreed to?</p> <p>23 A. Yes.</p> <p>24 - - -</p>	<p style="text-align: right;">Page 151</p> <p>1 says: "Should be issued today." Does that refer to</p> <p>2 the assignment of the Letter of Credit?</p> <p>3 A. Yes.</p> <p>4 Q. And do you recall that there, apparently, was</p> <p>5 some mixup in terms of where the assignment was</p> <p>6 delivered? Because there is a series of e-mails back</p> <p>7 and forth --</p> <p>8 A. Yes.</p> <p>9 Q. -- trying to figure out where it went.</p> <p>10 A. Yes.</p> <p>11 Q. And do you recall that it was ultimately</p> <p>12 located?</p> <p>13 A. Yes.</p> <p>14 Q. I think you indicated that there never was a</p> <p>15 partial assignment of the Letter of Credit to AES to</p> <p>16 secure the loan of \$500,000?</p> <p>17 A. Correct.</p> <p>18 Q. Do you recall a discussion with Mr. Moloney</p> <p>19 that you could perhaps reduce the amount of the</p> <p>20 assignment -- the partial assignment of the Letter of</p> <p>21 Credit to Milestone by the \$500,000 being loaned by</p> <p>22 AES?</p> <p>23 A. I may have but I'm vague on it.</p> <p>24 Q. Is it your recollection that, even though</p>
<p style="text-align: right;">Page 150</p> <p>1 A TWO-PAGE E-MAIL STRING,</p> <p>2 CONTAINING A SLANE/CHARTERING</p> <p>3 CHAIKA-AGENCY E-MAIL, RECEIVED:</p> <p>4 12/6/10, BATES-STAMPED</p> <p>5 MILESTONE 00000093, WAS MARKED AS</p> <p>6 EXHIBIT 74.</p> <p>7 - - -</p> <p>8 BY MR. WINTON:</p> <p>9 Q. Mr. Slane, Exhibit 74 consists of two pages</p> <p>10 of e-mails and I wanted to call your attention to the</p> <p>11 e-mail on the first page right below the mid-point,</p> <p>12 beginning, "Original Message" with arrows in both</p> <p>13 directions. It says: From: Dan Slane, To:</p> <p>14 Chartering Chaika-Agency, 6 December, 17:10. So,</p> <p>15 again, since this was produced by Milestone, that</p> <p>16 apparently was around midnight your time? 17 -- Maybe</p> <p>17 noon?</p> <p>18 A. Yeah, right.</p> <p>19 Q. Only off by 12 hours.</p> <p>20 A. Yes.</p> <p>21 Q. There's a reason I'm not a mathematician.</p> <p>22 Okay. So, noon your time?</p> <p>23 A. Yes.</p> <p>24 Q. And you are telling Mr. Voevudsky that -- it</p>	<p style="text-align: right;">Page 152</p> <p>1 arrangements were being made for a \$500,000 loan to</p> <p>2 Estech, that the assignment, in fact, went in the full</p> <p>3 value of the freight due under the contract between</p> <p>4 Milestone and Estech?</p> <p>5 A. Yes.</p> <p>6 Q. And do you recall that was 2,502,500?</p> <p>7 A. Yes.</p> <p>8 Q. And that's calculated based on \$32.50 per</p> <p>9 metric ton of cargo loaded, and the vessel was to load</p> <p>10 70,000 to 77,000 tons of iron ore at vessel's option?</p> <p>11 A. Yes.</p> <p>12 Q. So 32.5 times 77,000 gets you to 2,502,500?</p> <p>13 A. Yes.</p> <p>14 Q. Do you recall why this shipment fell through?</p> <p>15 A. The only thing that I knew was that the miner</p> <p>16 was unable to come up with the ore at the dock.</p> <p>17 Q. Do you recall receiving e-mail demands from</p> <p>18 Milestone for payment of damages as a result of breach</p> <p>19 of the Charter Party?</p> <p>20 A. I think I did, yeah.</p> <p>21 Q. Do you recall receiving an e-mail from</p> <p>22 Mr. Schild forwarding an e-mail from Igor Violin at</p> <p>23 Chaika Agency indicating that, by the 24th of December,</p> <p>24 that Milestone had already been able to fix a</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 153	Page 155
<p>1 replacement Charter?</p> <p>2 A. Yes.</p> <p>3 Q. Do you recall ever receiving any</p> <p>4 documentation indicating how much revenue they had</p> <p>5 received off of that substitute Charter that would</p> <p>6 reduce any claim they had against Estech?</p> <p>7 A. Johan told me that the profit to Milestone</p> <p>8 was larger than shipping the iron ore. It was -- I</p> <p>9 think it was a grain load that they were to take out of</p> <p>10 Florida.</p> <p>11 Q. Grain?</p> <p>12 Or coal out of New Orleans, maybe?</p> <p>13 A. Yeah, maybe that was it. Yes.</p> <p>14 Q. Whatever it was, your recollection of your</p> <p>15 conversation with him was that he said they made more</p> <p>16 money on that deal than they would have on yours?</p> <p>17 A. Yes.</p> <p>18 Q. Do you recall, at any point, telling</p> <p>19 Milestone that AES was an investor in this business?</p> <p>20 A. I may have, yeah.</p> <p>21 Q. Was it your understanding that AES, in fact,</p> <p>22 was an investor in this transaction?</p> <p>23 A. No. I would view them more as a lender, but,</p> <p>24 you know, I'm dealing with a Russian or a Ukrainian and</p>	<p>1 "Mr. Slane," reference "your last message," and you see</p> <p>2 down in there, they indicate that you have said that</p> <p>3 AES is an investor?</p> <p>4 A. Yes.</p> <p>5 Q. Was it your understanding that that's in</p> <p>6 response to something that you said?</p> <p>7 A. Yeah, it was clarifying the fact that AES was</p> <p>8 not part of Estech Trading.</p> <p>9 Q. And with regard to the use of the term,</p> <p>10 "investor," is that what you just explained to us?</p> <p>11 A. Yes.</p> <p>12 Q. There is an allegation in the Plaintiff's</p> <p>13 Complaint, which was --</p> <p>14 Turn to Page 4 of that Complaint, if you</p> <p>15 would. Do you see Paragraph 26 --</p> <p>16 A. Yes.</p> <p>17 Q. -- where Plaintiff alleges -- and "Plaintiff"</p> <p>18 is Milestone -- that, "... Defendant Estech is an alias</p> <p>19 or agent of American Energy ..."?</p> <p>20 A. Yes.</p> <p>21 Q. Are you aware of any circumstance in which</p> <p>22 "Estech" and "American Energy" have been used as an</p> <p>23 alias, one of the other?</p> <p>24 A. I am not.</p>
Page 154	Page 156
<p>1 there were some language issues. Tried to simplify</p> <p>2 everything for him.</p> <p>3 ---</p> <p>4 A TWO-PAGE E-MAIL STRING,</p> <p>5 CONTAINING A VOEVUDSKY/MICHALEK,</p> <p>6 SLANE E-MAIL, SENT: 1/7/11,</p> <p>7 BATES-STAMPED MILESTONE 00000100</p> <p>8 AND 0101, WAS MARKED AS EXHIBIT 75.</p> <p>9 ---</p> <p>10 BY MR. WINTON:</p> <p>11 Q. Mr. Slane, I have marked as Exhibit 75 a</p> <p>12 two-page set of e-mails.</p> <p>13 A. Yes.</p> <p>14 Q. Bottom half of the first page of Exhibit</p> <p>15 75 --</p> <p>16 A. Yeah.</p> <p>17 Q. -- is what appears to be an e-mail to you and</p> <p>18 Mr. Michalek --</p> <p>19 A. Yes.</p> <p>20 Q. -- from Mr. Voevudsky?</p> <p>21 A. Yes.</p> <p>22 Q. Do you recall receiving this?</p> <p>23 A. Yes.</p> <p>24 Q. And if you look at the paragraph that says:</p>	<p>1 Q. And I assume that, as a former case agent,</p> <p>2 you are familiar with the term, "alias"?</p> <p>3 A. Yes.</p> <p>4 Q. Are you aware of any circumstance in which</p> <p>5 Estech or American Energy have acted as an agent of</p> <p>6 each other, one of the other?</p> <p>7 A. I am not.</p> <p>8 Q. Paragraph 27 alleges that Estech and American</p> <p>9 Energy share common ownership.</p> <p>10 Are you aware of any common ownership between</p> <p>11 Estech and American Energy?</p> <p>12 A. I am not.</p> <p>13 Q. And then, in that same paragraph, it goes on</p> <p>14 to allege that Estech and American Energy share</p> <p>15 operations.</p> <p>16 Are you aware of any circumstance in which</p> <p>17 either has ever shared the operation of the other?</p> <p>18 A. I am not.</p> <p>19 Q. And then the final allegation of Paragraph 27</p> <p>20 is that Estech is owned or managed by American Energy.</p> <p>21 Are you aware of any context in which Estech</p> <p>22 is owned or managed by American Energy?</p> <p>23 A. I am not.</p> <p>24 Q. In Paragraph 28, Plaintiff Milestone again</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 157	Page 159
<p>1 alleges that Estech is the agent of American Energy.</p> <p>2 Again, are you aware of any circumstance in</p> <p>3 which Estech has acted as the agent of American Energy?</p> <p>4 A. I am not.</p> <p>5 Q. It goes on to allege that Estech is the</p> <p>6 entity that is contacted when business opportunities</p> <p>7 are presented to American Energy.</p> <p>8 Are you aware of any circumstance in which</p> <p>9 anyone has presented an opportunity to do business to</p> <p>10 American Energy through Estech?</p> <p>11 A. No.</p> <p>12 Q. Paragraph 29 says that Estech is the agent of</p> <p>13 American Energy, such that American Energy funded the</p> <p>14 Escrow Agreement that is referenced in the Complaint,</p> <p>15 on behalf of Estech, in the amount of \$500,000.</p> <p>16 Other than the loan transaction that was</p> <p>17 proposed, are you aware of any context in which</p> <p>18 American Energy funded the Escrow Account on behalf of</p> <p>19 Estech?</p> <p>20 A. I am not.</p> <p>21 Q. Paragraph 30 alleges that: "... Estech and</p> <p>22 American Energy share the same contact phone number</p> <p>23 published in trade journals which rings at Estech's</p> <p>24 offices in Ohio."</p>	<p>1 Q. Turn the page to look at Paragraph 31, if you</p> <p>2 would. There, Plaintiff Milestone alleges that</p> <p>3 "... Estech is merely a shell-corporation through which</p> <p>4 American Energy conducts its business."</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Are you aware of any circumstance in which</p> <p>8 Estech -- I'm sorry.</p> <p>9 Are you aware of any circumstance in which</p> <p>10 American Energy has conducted its business through</p> <p>11 Estech as a shell-corporation?</p> <p>12 A. I am not.</p> <p>13 Q. Are you aware of any circumstance in which</p> <p>14 American Energy has conducted its business through</p> <p>15 Estech in any capacity?</p> <p>16 A. No.</p> <p>17 Q. Paragraph 32 alleges that, "... Estech and</p> <p>18 American Energy are joint venturers in the Charter</p> <p>19 Party ..."</p> <p>20 You are familiar with the term, "joint</p> <p>21 venturer"; right?</p> <p>22 A. Yes.</p> <p>23 Q. As an attorney and as a businessman who has</p> <p>24 certainly formed lots of entities?</p>
Page 158	Page 160
<p>1 Are you aware of any circumstance in which a</p> <p>2 phone number of American Energy rings at Estech's</p> <p>3 offices in Ohio?</p> <p>4 A. I am not.</p> <p>5 Q. Other than the trade journal that Ms. Orozco</p> <p>6 showed you, are you aware of any advertising that</p> <p>7 involves Estech -- Strike that.</p> <p>8 The pages out of the trade journal that</p> <p>9 Ms. Orozco showed you, do you have that in mind or do</p> <p>10 we need to pick those up and show them to you?</p> <p>11 A. No, I have them here.</p> <p>12 Q. That ad was by Dan Slane, individually;</p> <p>13 correct?</p> <p>14 A. Correct.</p> <p>15 Q. This alleges that Estech and American Energy</p> <p>16 have a common phone number published in trade journals.</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Have you ever seen a phone number of American</p> <p>20 Energy that is common with Estech, at all?</p> <p>21 A. No.</p> <p>22 Q. Have you ever seen any phone number of both</p> <p>23 that was published in a trade journal?</p> <p>24 A. I have not.</p>	<p>1 A. Yes.</p> <p>2 Q. Are you aware of any way that American Energy</p> <p>3 and Estech joined in the Charter Party as joint</p> <p>4 venturers?</p> <p>5 A. I am not.</p> <p>6 Q. Are you aware of any context in which Estech</p> <p>7 and American Energy could be said to have been joint</p> <p>8 venturers in the purchase of the iron ore or the sale</p> <p>9 of the iron ore?</p> <p>10 A. I am not.</p> <p>11 Q. Other than with regard to how American</p> <p>12 Energy's loan was to be paid back, did American Energy</p> <p>13 share in the profits of the proposed transaction?</p> <p>14 A. Yes.</p> <p>15 Q. And how was that?</p> <p>16 A. They were to receive 25 percent of the</p> <p>17 profits.</p> <p>18 Q. Which was to repay the loan; correct?</p> <p>19 A. Yes.</p> <p>20 Q. Other than that?</p> <p>21 A. No. That's it.</p> <p>22 Q. Did American Energy, in any respect, direct</p> <p>23 or control the negotiations of any of the contracts</p> <p>24 that relate to the iron ore deal?</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 161	Page 163
<p>1 A. No.</p> <p>2 MR. WINTON: Let me take a short break and</p> <p>3 then I may be done.</p> <p>4 (Recess taken.)</p> <p>5 MR. WINTON: Back on the record.</p> <p>6 I have no further questions for Mr. Slane at</p> <p>7 this time. Thank you very much.</p> <p>8 MS. OROZCO: I have recross, whatever you</p> <p>9 call it. Redirect.</p> <p>10 ---</p> <p>11 RE CROSS-EXAMINATION</p> <p>12 BY MS. OROZCO:</p> <p>13 Q. Mr. Slane, you testified this morning, when I</p> <p>14 was asking you a few questions, that you did not recall</p> <p>15 seeing the Escrow Agreement before today, which is</p> <p>16 marked as Exhibit 48, which is also Exhibit 2 to the</p> <p>17 Amended Complaint which was marked as Exhibit 62, and</p> <p>18 during the examination by Mr. Winton, you indicated</p> <p>19 that you signed the Escrow Agreement; is that correct?</p> <p>20 A. That's correct.</p> <p>21 Q. Is that your name that you signed or is it</p> <p>22 someone else's name?</p> <p>23 A. No, it was Jan's.</p> <p>24 Q. How did it come to be that you signed Mr.</p>	<p>1 A. Uh-huh.</p> <p>2 Q. If you want to find it, it might help you.</p> <p>3 It's at the very bottom of that e-mail and</p> <p>4 it's page Milestone 0085, it's from you to Operations</p> <p>5 Afina Pallada, where it says: "Will have Escrow</p> <p>6 Agreement revised tomorrow morning and e-mailed to you</p> <p>7 and Mark."</p> <p>8 You don't recall what the revisions to the</p> <p>9 Escrow Agreement were?</p> <p>10 A. I don't.</p> <p>11 Q. Did Mr. Moloney discuss the revisions to the</p> <p>12 Escrow Agreement with you?</p> <p>13 A. No.</p> <p>14 Q. You had also testified this morning that when</p> <p>15 Mr. Michalek approached you regarding the \$500,000, you</p> <p>16 put him in contact with Mr. Jacobs; is that correct?</p> <p>17 A. No. No. I told him that I was going to go</p> <p>18 see Jerry Jacobs.</p> <p>19 Q. Okay.</p> <p>20 This morning, you testified that Mr. Jacobs</p> <p>21 and Mr. Michalek spoke directly. Do you recall if that</p> <p>22 is -- if they ever did speak directly?</p> <p>23 A. Yeah, I know they spoke directly. I can't</p> <p>24 remember the time sequence.</p>
Page 162	Page 164
<p>1 Michalek's name to the Escrow Agreement?</p> <p>2 A. Because it had to get out. I think Jan</p> <p>3 was -- was a couple of hours away and couldn't --</p> <p>4 couldn't get here in time so I signed his name. There</p> <p>5 was some urgency.</p> <p>6 Q. Did you review it before you signed it?</p> <p>7 A. No.</p> <p>8 Q. Was that the first time you saw it, was the</p> <p>9 day that you signed it?</p> <p>10 A. Yes.</p> <p>11 Q. You also testified that you had a meeting, in</p> <p>12 person, with Mr. Moloney and Mr. Jacobs --</p> <p>13 A. Yes.</p> <p>14 Q. -- regarding the \$500,000. Was that the same</p> <p>15 day that you signed the Escrow Agreement?</p> <p>16 A. Yes, I think so.</p> <p>17 Q. And you stated that, during that meeting,</p> <p>18 Mr. Moloney had some changes to the Escrow Agreement?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know what those changes were?</p> <p>21 A. I do not.</p> <p>22 Q. Do you recall, in your e-mail that you had</p> <p>23 sent to Mark Seward about changes to the proposed</p> <p>24 escrow -- It was marked as Exhibit 70.</p>	<p>1 Q. Okay.</p> <p>2 You also testified that you didn't know</p> <p>3 whether or not the funds -- the \$500,000 funds were</p> <p>4 ever provided to Estech Trading under the Escrow</p> <p>5 Agreement. As you sit here right now, do you recall or</p> <p>6 do you know whether or not they were, in fact,</p> <p>7 provided?</p> <p>8 A. The only thing I recall is that the funds</p> <p>9 were wired to the Trust Account.</p> <p>10 Q. Okay. That being Mahoney & Keane?</p> <p>11 A. Yes.</p> <p>12 Q. Do you know -- do you know that Mahoney &</p> <p>13 Keane was also --</p> <p>14 Do you have an understanding that Mahoney &</p> <p>15 Keane was also the Escrow Agent in this transaction?</p> <p>16 A. I believe they were, yes.</p> <p>17 Q. Do you know whether or not the Escrow Account</p> <p>18 and the Trust Account at Mahoney & Keane were two</p> <p>19 different accounts?</p> <p>20 A. That was my understanding.</p> <p>21 Q. And what was that understanding based on?</p> <p>22 A. That there wasn't time to do the Escrow</p> <p>23 Agreement so the -- the money was not to be put into</p> <p>24 the Escrow Account until AES had sufficient collateral</p>

Deposition of: Dan Slane, taken on June 21, 2011

<p style="text-align: right;">Page 165</p> <p>1 and security.</p> <p>2 Q. And what was that collateral and security</p> <p>3 that AES was seeking?</p> <p>4 A. Part of it was an assignment on the Letter of</p> <p>5 Credit, and there may have been other things that they</p> <p>6 wanted that I wasn't aware of.</p> <p>7 Q. Do you know if they ever received a partial</p> <p>8 assignment on the Letter of Credit?</p> <p>9 A. I don't think they ever did. Not to my</p> <p>10 knowledge.</p> <p>11 Q. Who was involved in making sure or providing</p> <p>12 the security or collateral that AES wanted for the</p> <p>13 transfer of the \$500,000?</p> <p>14 A. Well, that would have been Jan because the</p> <p>15 bank was not -- US Bank was not authorized to deal with</p> <p>16 anybody other than Jan.</p> <p>17 Q. And you're saying "Jan." That's Jan</p> <p>18 Michalek?</p> <p>19 A. Yes.</p> <p>20 Q. You also testified this afternoon that AES's</p> <p>21 role, with respect to the \$500,000, was to be a lender.</p> <p>22 Do you recall that?</p> <p>23 A. Yes.</p> <p>24 Q. What is that understanding based on?</p>	<p style="text-align: right;">Page 167</p> <p>1 wired the money to Keane & Mahoney (sic).</p> <p>2 Q. Mahoney & Keane?</p> <p>3 A. Mahoney & Keane. I'm sorry.</p> <p>4 Q. That's okay.</p> <p>5 You also testified you had no input on that</p> <p>6 letter?</p> <p>7 A. Well, no, I -- I requested that Tom notify --</p> <p>8 or that the -- the shipping company be notified that</p> <p>9 the money was being wired to the Trust Account, and so</p> <p>10 Tom made some changes from the original draft; I think</p> <p>11 a couple of sentences at the end of the letter.</p> <p>12 Q. Do you know what those sentences' references</p> <p>13 were?</p> <p>14 A. I think he was worried about any</p> <p>15 misinterpretation and he wanted some clarification.</p> <p>16 Q. You also testified this afternoon that it was</p> <p>17 your understanding that the Charter Party would not be</p> <p>18 fixed until the Escrow Agreement was funded with the</p> <p>19 \$500,000. Do you recall that?</p> <p>20 A. Yes.</p> <p>21 Q. And that's in some e-mails laid out by the</p> <p>22 owners to you in Exhibits 67, 68 and 69?</p> <p>23 A. Yes.</p> <p>24 Q. You, thereafter, testified that Yuriy backed</p>
<p style="text-align: right;">Page 166</p> <p>1 A. My request to them.</p> <p>2 Q. Your request to AES?</p> <p>3 A. Yes.</p> <p>4 Q. And what was your request to AES?</p> <p>5 A. That they lend \$500,000 as a security deposit</p> <p>6 for the ship.</p> <p>7 Q. Do you know whether or not a loan agreement</p> <p>8 was ever entered into between AES and Estech?</p> <p>9 A. I think it was, but I'm unclear about that.</p> <p>10 I thought I saw a document here referencing that,</p> <p>11 but</p> <p>12 Q. Did you have --</p> <p>13 Would you have had any role in any type of a</p> <p>14 loan document or loan agreement between AES and Estech</p> <p>15 Trading?</p> <p>16 A. No. That was between Jan Michalek and AES.</p> <p>17 Q. And do you know who Jan Michalek dealt with</p> <p>18 at AES?</p> <p>19 A. Jerry Jacobs and Tom Moloney.</p> <p>20 Q. You stated, also, this afternoon that it was</p> <p>21 your understanding that, at all times, AES had the</p> <p>22 right to demand the return of the funds. What is that</p> <p>23 understanding based on?</p> <p>24 A. The letter that Tom had prepared when he</p>	<p style="text-align: right;">Page 168</p> <p>1 off on this and he just wanted to be sure that the</p> <p>2 money was in the trust, and if that was the case, they</p> <p>3 would fix the ship?</p> <p>4 A. Yes.</p> <p>5 Q. Is there an e-mail communication that</p> <p>6 indicates that he was backing off and that was his new</p> <p>7 understanding -- or his new position?</p> <p>8 A. No, these were phone conversations that we</p> <p>9 were having.</p> <p>10 Q. Did you ever document the phone conversation</p> <p>11 of his new understanding?</p> <p>12 A. No.</p> <p>13 Q. When you were having these communications</p> <p>14 with Yuriy and these e-mail communications through</p> <p>15 e-mails marked as Exhibits 68, 69 and 70, where it was</p> <p>16 your understanding that the escrow had to be funded</p> <p>17 before the Charter Party was fixed, did you ever relay</p> <p>18 that to Mr. Moloney or Mr. Michalek?</p> <p>19 A. I can't remember.</p> <p>20 Q. Do you remember having any conversations with</p> <p>21 Mr. Moloney about these e-mails you were receiving from</p> <p>22 Yuriy that the receipt of the \$500,000 was -- was</p> <p>23 required before they would fix the ship?</p> <p>24 A. No, I -- no, I do not.</p>

Deposition of: Dan Slane, taken on June 21, 2011

Page 169

1 Q. You also testified that "Johan," who was the
2 ship broker --
3 That's Johan Schild?
4 A. Yes.
5 Q. -- told you that the profit to Milestone, as
6 a result of a substitute fixture, was greater than the
7 profit they would have made on the iron ore. Was that
8 a conversation that you had with Mr. Johan Schild
9 through e-mail?
10 A. No. By phone.
11 Q. Did Johan ever provide you with the
12 documentation to support that statement?
13 A. No.
14 Q. Do you know where Mr. Johan Schild ever got
15 the information that led him to believe that they had a
16 substitute fixture that resulted in a greater profit?
17 A. He organized it.
18 Q. He organized what?
19 A. The subsequent fixture.
20 Q. Do you know when that subsequent fixture took
21 place?
22 A. Late December.
23 Q. Late December of 2010?
24 A. Yes.

Page 171

1 asked you some follow-up questions.
2 This (indicating) is Exhibits 8 and 9 that
3 were marked at Mr. Wolfson's deposition, if you just
4 want a quick reference.
5 You indicated that this was -- the purpose of
6 this particular Letter of Credit was to assign part of
7 it to the shipping company as security for the
8 shipment. Do you recall that?
9 A. Yes.
10 Q. But you had also stated that you do not know
11 if this was ever done?
12 A. Correct.
13 Q. Okay.
14 This afternoon, you indicated that you
15 recalled that the full Letter of Credit was actually
16 issued for the full amount of freight under the Charter
17 Party. Do you recall that?
18 A. Yes, I remember that the Letter of Credit was
19 roughly in excess of \$9,000,000, and roughly 6,000,000
20 was for the miner and two-and-a-half million was for
21 the shipping company.
22 Q. Okay. So, now, is it your understanding now
23 that the Letter of Credit was actually finalized and
24 fully funded?

Page 170

1 Q. But you don't have any e-mails or written
2 communications about that?
3 A. No.
4 Q. Now, you also testified about AES's contracts
5 and negotiations of anything -- or their involvement in
6 the Charter Party contract we have been discussing
7 today and the sales contract. Have you ever worked for
8 AES?
9 A. No.
10 Q. Have you ever been an officer or director of
11 AES?
12 A. No.
13 Q. And you have never been an officer or
14 director of Estech Trading?
15 A. Correct.
16 Q. Do you know whether or not you were involved
17 in all of the communications between AES and Estech
18 Trading regarding the matter that we have been
19 discussing today?
20 A. I'm sorry. Your question is ...?
21 (Question read.)
22 A. I was not.
23 Q. With respect to the Letter of Credit that we
24 were discussing earlier this morning, Mr. Winton had

Page 172

1 A. No. No, I don't know if it was or not.
2 MS. OROZCO: I believe I have no more
3 questions, Mr. Slane.
4 THE WITNESS: Okay.
5 MS. OROZCO: Thank you so very much for your
6 time.
7 THE WITNESS: Okay. Sure.
8 MS. OROZCO: You have been incredibly
9 patient.
10 (Discussion off the record.)
11 THE WITNESS: I'll waive.
12 (Signature waived.)
13 - - -
14 Thereupon, at 2:03 p.m., on Tuesday, June 21,
15 2011, the deposition was concluded.

Deposition of: Dan Slane, taken on June 21, 2011

Page 173

1 CERTIFICATE

2 STATE OF OHIO :

SS:

3 .COUNTY OF FRANKLIN :

4 I, Sylvia A. Fraley, a Registered Diplomate
Reporter and Certified Realtime Reporter and Notary
5 Public in and for the State of Ohio, duly commissioned
and qualified, do hereby certify that the within-named
6 DAN SLANE was by me first duly sworn to testify to the
truth, the whole truth, and nothing but the truth in
7 the cause aforesaid; that the deposition then given by
him was by me reduced to stenotype in the presence of
8 said witness; that the foregoing is a true and correct
transcript of the deposition so given by him; that the
9 deposition was taken at the time and place in the
caption specified and was completed without
10 adjournment; and that I am in no way related to or
employed by any attorney or party hereto or financially
11 interested in the action; and I am not, nor is the
court reporting firm with which I am affiliated, under
12 a contract as defined in Civil Rule 28(D).

13 IN WITNESS WHEREOF, I have hereunto set my
hand and affixed my seal of office at Columbus, Ohio on
14 this 29th day of June, 2011.

15

16

SYLVIA A. FRALEY, RDR, CRR
NOTARY PUBLIC - STATE OF OHIO

17 My Commission Expires: May 4, 2013.

18

19

20

21

22

23

24

A		
<p>abbreviations 142:23 144:11</p> <p>ability 97:19</p> <p>able 115:15 129:16 143:2 152:24</p> <p>accept 102:10</p> <p>acceptable 74:22</p> <p>access 100:24 107:11</p> <p>accommodate 11:4</p> <p>account 33:10 41:6,16,20 62:18 64:20,24 65:1,2,6,8 73:17,18 86:21 128:16 131:7 133:24 136:15 140:15 147:15 157:18 164:9,17,18,24 167:9</p> <p>accounts 164:19</p> <p>accurate 117:4</p> <p>acknowledge 77:9</p> <p>acknowledged 121:2</p> <p>acquire 34:12,20</p> <p>act 17:14 133:21</p> <p>acted 122:6 156:5 157:3</p> <p>acting 136:12</p> <p>action 4:5 5:19 9:4 95:17 173:11</p> <p>active 16:18,20</p> <p>activities 103:3</p> <p>actual 29:7 51:7</p> <p>ad 89:18 158:12</p> <p>add 145:4</p> <p>added 145:7</p> <p>adding 144:10</p> <p>addition 14:24</p> <p>additional 16:14 17:3 79:24 80:8 80:13 82:3 84:3 105:11</p> <p>address 10:1 26:21 38:10 59:22 61:17</p> <p>adjournment 173:10</p> <p>Administration 98:12</p> <p>administrative 77:6</p> <p>Advance 102:6,7</p> <p>advanced 98:13</p> <p>advertise 88:17,19,21 89:22</p> <p>advertised 89:24</p> <p>advertisement 89:9</p> <p>ADVERTISERS 5:10 88:1</p> <p>advertising 26:1 158:6</p> <p>advised 13:2 53:9</p> <p>AES 69:21 70:11 72:19,21 73:1,8 74:2,4,5 75:4,5,12,12,15,24 76:15 76:19 77:3,8,12 80:3 82:6 85:7,19 92:9 108:9 118:4,10 119:10,11,15 119:19,23 120:3,10,17,23 121:10 121:20,22 122:1,5,6 142:13 143:7 147:8,19,21 151:15,22 153:19,21 155:3,7 164:24 165:3,12 166:2,4 166:8,14,16,18,21 170:8,11,17</p> <p>AES's 120:13 121:17 122:9 165:20 170:4</p> <p>AES-0033 4:21 69:6</p>	<p>AES-0035 5:2 70:17 76:12</p> <p>AES-0036 79:22</p> <p>AES-0038 4:24 70:3</p> <p>AES-0040 5:8 85:24</p> <p>AES-0064 5:13 92:13</p> <p>AES-0066 93:2</p> <p>AES-0071 5:6 71:3</p> <p>affect 118:9</p> <p>affiliate 115:6</p> <p>affiliated 29:21 30:1 84:17,19,22 173:11</p> <p>affiliates 18:24 22:6,7 77:15</p> <p>affiliate-entity 83:1</p> <p>Affirmative 73:19 81:24</p> <p>affixed 173:13</p> <p>AfinaPallada 141:19 163:5</p> <p>aforesaid 173:7</p> <p>afternoon 128:7 133:11 139:21 140:1 146:24 165:20 166:20 167:16 171:14</p> <p>Agency 99:21 149:14 152:23</p> <p>agent 87:3 133:21 155:19 156:1,5 157:1,3,12 164:15</p> <p>agents 100:7 144:21 145:11</p> <p>ago 13:1 16:22 56:10 94:12</p> <p>agree 118:22</p> <p>agreed 59:14 76:19 81:16 133:24 140:9 149:19,22</p> <p>agreeing 77:9</p> <p>agreement 4:9 7:1 40:13 42:8 47:4 47:8,12 59:14 62:19 65:13,17 68:11 75:23 76:2 80:4,19,24 81:5 81:20 82:8 114:18,20 128:12 130:19,22 131:6 133:7,15 134:3 137:21 140:14 142:19 143:6,17 143:21 144:7 146:24 147:2 148:8 157:14 161:15,19 162:1,15,18 163:6,9,12 164:5,23 166:7,14 167:18</p> <p>ahead 112:13 113:2</p> <p>Alabama 35:23 36:1</p> <p>alias 155:18,23 156:2</p> <p>allegation 155:12 156:19</p> <p>allege 156:14 157:5</p> <p>alleges 155:17 156:8 157:1,21 158:15 159:2,17</p> <p>allow 88:20</p> <p>allowed 88:19 90:2</p> <p>allowing 144:24</p> <p>Amended 5:23 113:6 161:17</p> <p>American 1:8 2:11 47:22,23 48:3,7 48:12 49:2 67:16 74:3,13,17 79:9 79:18 84:19 85:1 86:8,23 88:24 89:7,12 90:5 91:8 94:1 134:12 140:24 155:19,22 156:5,8,11,14 156:20,22 157:1,3,7,10,13,13,18 157:22 158:2,15,19 159:4,10,14</p>	<p>159:18 160:2,7,11,12,22</p> <p>amount 23:14,14 33:5 73:4 133:24 151:19 157:15 171:16</p> <p>Ampoker 58:22</p> <p>Amsterdam 98:18 99:7,8</p> <p>and/or 114:12</p> <p>answer 13:2 80:10</p> <p>answered 11:2 119:6</p> <p>answers 10:18,21</p> <p>anybody 12:23 42:7 86:23 165:16</p> <p>anymore 14:21 55:23</p> <p>apart 13:22,24 34:11 60:8</p> <p>apologize 25:2 117:24</p> <p>apparently 59:18 126:18 128:4 133:9 142:6 149:22 150:16 151:4</p> <p>Appeals 104:1,6</p> <p>APPEARANCES 2:2</p> <p>appears 50:22 54:23 89:20 129:12 142:2 154:17</p> <p>applicable 1:14 8:8</p> <p>appointed 103:10 105:15 106:8,16</p> <p>appointment 103:16,24</p> <p>appointments 103:7 104:3 106:7 107:16</p> <p>approached 48:15 163:15</p> <p>approval 146:24</p> <p>approved 143:8</p> <p>Approximately 33:17</p> <p>area 17:10 41:24</p> <p>arisen 58:3</p> <p>arranged 34:9</p> <p>arrangement 77:18,20</p> <p>arrangements 52:12 76:17,22 110:18,22 118:9 132:8 152:1</p> <p>arranging 60:19</p> <p>arrive 110:6</p> <p>arrows 149:8 150:12</p> <p>aside 58:24</p> <p>asked 25:2 30:12 32:2,18,20,20,21 32:22 34:12,16,16,18 41:22 47:15 52:16 88:20 91:5 111:6 134:19 171:1</p> <p>asking 94:6,22 133:22 138:16 161:14</p> <p>asks 128:14</p> <p>aspects 103:1</p> <p>assign 46:18 171:6</p> <p>assigned 125:22</p> <p>Assignee 45:12</p> <p>assigning 45:4 46:24</p> <p>assignment 121:5,9 125:15 126:2 129:20 151:2,5,15,20,20 152:2 165:4,8</p> <p>assist 47:10</p> <p>assistance 90:21</p> <p>Assistant 102:4</p> <p>assisting 52:20</p>

associated 41:13 Association 5:9 87:24 88:8 assume 11:1 68:2 83:18 98:21 106:18 135:13 156:1 assuming 127:6 attached 42:20 43:15 110:8 113:14 125:14 attachment 42:18 64:1 138:8 ATTACHMENTS 5:13,21 92:13 111:24 attained 107:13 attempting 47:11 attention 37:23 44:21 92:21 123:24 126:14 129:2 130:6 133:1 141:16 149:7 150:10 attorney 9:19 46:4 159:23 173:10 attorneys 65:3 Authority 103:11,17 authorize 55:3 authorized 16:14 17:3 121:21 122:1 165:15 available 98:2 122:23 145:16 148:12 await 138:14 145:17 aware 56:14 73:1 86:6,11 108:9 115:7 118:12 121:20,24 122:4 155:21 156:4,10,16,21 157:2,8,17 158:1,6 159:7,9,13 160:2,6 165:6 a.m 1:21 8:2 149:10	4:21,24 5:2,6,8,10,13,21 6:2,6,9 6:11,14,17,20,23 7:4,7,10,14 40:14 50:7 57:5,18 69:6 70:3,16 71:3 85:23 88:2 92:13 111:24 123:20 124:20 126:8 128:21 130:1 132:20 139:1 141:11 146:2 148:24 150:4 154:7 Bear 116:5 beginning 4:11,17 5:9 6:4,11 41:24 50:4 57:16 87:23 96:2 124:17 128:19 150:12 begins 141:17 behalf 2:7,11 75:6 118:23 121:22 122:2 134:22 157:15,18 believe 36:24 49:10 108:19 114:2 117:10 144:23 146:7 164:16 169:15 172:2 best 97:17,19 Beyond 28:9 Big 116:5 Bill 84:14 Bills 135:22 bit 42:10 94:8 98:1 112:9 biz 131:2 board 104:1,5,12,15,20,22,23 105:2,3,6,9,18,19 boards 105:11,13,14,15,16,17,22 body 72:18 Boehner 106:17,19 bond 30:15 32:12,18,19 33:6 39:17 44:16 67:18,20 72:12,16,22 73:2 73:5,10,16 75:8 76:14 77:24 79:14 90:12 91:3,9,10 108:23 109:23 110:1,2,4 123:7,12 bookkeeper 14:12 26:4,10 born 98:5 bottom 51:6 52:24 89:11 96:4 126:15 129:2 130:7 131:24 133:1 134:18 135:1,2,9,10 141:17 154:14 163:3 breach 152:18 break 11:3 27:24 70:20 92:6 119:2 161:2 brief 62:13 briefings 107:12 Briefly 17:15 bring 12:14 Broad 22:14 broker 35:20 51:20 52:3 53:4 169:2 brother 15:23 25:5,22 27:1,12 31:23 32:9 77:22 78:5,16,20 79:7 79:13 82:15 83:5 brother's 25:10 brought 16:13 122:5 142:20 build 22:13 building 22:13 103:17 104:1,6 built 116:2,4	bulletin 5:10 88:1,8,10,17 89:13,17 business 20:20 21:8,11 23:23 25:19 31:4,11 48:9 51:10 90:4,8 98:12 103:2 122:5,7 127:20 131:4 135:17 153:19 157:6,9 159:4,10 159:14 businessman 159:23 busy 111:7 buy 20:9 buyer 72:7,21,23 73:2,8 74:7,10 75:6 80:1,17 110:3 120:4 121:6 135:24 buyers 80:1,9,13 buying 109:19 B-O-E-H-N-E-R 106:21
C		
		C 2:4,8 calculated 152:8 call 19:12 65:10 96:23 111:3 123:24 126:14 130:6 141:16 150:10 161:9 called 1:13 8:7 13:2 19:20 22:14 27:17 48:2 96:23 132:1 141:19 calling 63:9 87:12 Canal 29:11,15 canceled 58:4 cancellation 57:10 Cancer 105:10 106:1 Candice 26:11 capacity 64:4 102:5 159:15 capital 30:4,7 108:9 capitalization 108:12 caps 139:13 caption 173:9 Care 95:23 cared 107:14 cargo 53:10,13 111:1 135:21 152:9 carry 90:22 case 1:6,7 90:11 97:14,21 100:6,13 109:4,15 144:6 156:1 168:2 cash 33:10 category 100:23 cause 173:7 causes 112:8 causing 122:22 cc 61:17 centers 116:4 Central 99:21 CEO 14:5 17:8,14 18:18 19:4 certain 120:17 123:1 147:10 certainly 159:24 CERTIFICATE 173:1 certified 1:16 9:14 173:4 certify 173:5 cetera 16:15 35:11 51:14 CFO 14:12 26:4,6

Chaika 149:14 152:23 Chaika-Agency 4:12,15 6:5,8,16 6:22 7:4,10 50:6 51:11 57:4 124:19 126:7 132:18 141:9 146:1 150:3,14 chain 51:7 52:24 54:3 116:6 chair 105:3,17 chaired 104:23 Chairman 105:1,2 chance 11:20 71:23 change 59:14 78:10 114:19,20 changed 99:3 changes 143:6,11,17 147:1 162:18 162:20,23 167:10 character 8:12 charge 17:20 Charles 15:23 16:1 25:5,6,16 27:1 82:16,17 charter 5:20,20 40:5 41:5,7 49:16 52:8 53:10 57:10 58:3 90:22 111:22,22 112:19,20 113:14 117:14 119:7,12 123:9 131:12,21 132:8,9,11 140:19,20 149:6,22 152:19 153:1,5 159:18 160:3 167:17 168:17 170:6 171:16 Charterer 128:15 Chartering 51:11 52:23 150:14 CHARTERING/CHARTERING 4:12 50:5 check 74:1 checks 73:23 China 33:10 39:10 41:14 55:6 72:7 80:1,9,14,17 90:23 96:14 106:8 106:22 109:3,5,9,16 123:8,11 124:11 136:1 Chinese 30:15,17,19 31:3 32:13 33:1,9,10,19 43:23 44:9 46:18 67:23 68:2 74:6,7,10 90:14 91:10 109:10 121:6 136:6,10,12,16 CIA 99:24 100:2,11 101:1,9,14,22 107:11 CIF 34:10 circulated 82:9 circumstance 122:4 155:21 156:4 156:16 157:2,8 158:1 159:7,9,13 City 116:9 Civil 1:14 4:5 5:19 8:8 9:4 95:17 173:12 claim 153:6 claimed 41:12,12 clarification 167:15 clarify 145:8 clarifying 155:7 classify 22:6 Claurisse 2:4 9:19 27:21 31:16 44:13 50:11 clean 53:11 117:10,12,19 149:18	clearance 100:17,22,24 107:3,6,8 clearances 100:13 clearly 132:15 coal 77:16 82:20,24 83:8,10 153:12 coast 35:24 collapsed 33:20,21 collateral 46:22 48:20 49:1 120:21 164:24 165:2,12 collecting 100:8 collectively 77:16 college 98:7 Columbus 1:19 10:3 13:18 14:15 15:10 26:3 48:8 102:15,18 116:6 127:20 128:1 129:10 133:12 134:15 139:21 146:19 149:11 173:13 come 30:9 33:13,14 34:4 37:4 60:6 75:4 78:8,23 84:13 108:20 131:11 140:4 152:16 161:24 coming 124:4 127:6 133:9 comma 15:15 commencing 1:20 comment 140:18 145:4 comments 67:2 138:14,16,19 144:24 Commission 106:9,23 173:18 commissioned 173:5 Commodities 28:22 commodity 28:24 137:4 common 156:9,10 158:16,20 communicate 37:1 60:22 communicated 36:4,22 49:9 52:1 87:2,6 communication 37:5,7 46:6,11 92:23 93:3 168:5 communications 48:24 50:1,23 51:1 61:2,12 77:11 85:17 86:23 87:11,17 122:15 168:13,14 170:2 170:17 companies 14:18,23 21:19,22 22:1 22:18 23:1,7 55:3,3,11,14,17,20 56:9,12 company 13:12,13,14,21 14:3,7,9 14:18,24 15:1,5,11 17:1 19:14,15 19:20 21:9,10,17,18,21,24 22:6 22:10,14,21 23:4 25:19 26:1,15 26:21 27:2 28:3,6 29:24 30:1,3,13 30:16,18,20 31:3,22 32:3,6,13,17 32:21 33:2,9,14,19 34:10,17,22 36:3,7,23 39:16,21,22 40:2 41:10 41:12 42:3 43:23 44:9 46:5,19 47:1,20,21 48:2 49:20 51:24 52:18,19 54:11 55:18,21 60:9 63:7 64:19,23 65:5 68:3,17 74:14 74:15 75:3 81:3 82:12,23 83:2,4 84:22 86:7 87:7 88:15 90:4,7,14 90:15,16,17,18 94:19 95:23	102:21,23 115:2 118:18 167:8 171:7,21 Company's 20:1 103:1 115:18 Company-type 103:4 compensated 78:15 90:20 compensation 21:4 24:13 52:19 Complaint 5:23 113:6,14 155:13 155:14 157:14 161:17 completed 83:7 173:9 completing 148:7 completion 133:22 compliance 80:20 complied 136:18 comply 42:7 computer 43:6 concept 20:15 110:5 conceptual 27:24 concerned 145:6 concluded 35:1,5 36:19 49:17 172:15 conditions 74:22 120:18 142:15 147:10 conducted 159:10,14 conducting 127:20 conducts 159:4 confirm 53:13 149:18 confirmation 131:7 140:14 confirmed 135:12 confirming 77:12 conflict 147:12 148:4 confused 66:8 109:11 conjunction 75:9 connection 54:1,10 76:16,22 consequence 97:16 consider 23:6 47:16 48:19 consideration 72:19 consistent 143:7 148:17 consists 150:9 constantly 63:9 consumed 52:15 contact 36:12 49:5 51:13,14 157:22 163:16 contacted 157:6 CONTAINING 6:1,8,13,16,19,22 7:3,6,9,12 123:18 126:6 129:23 132:17 138:23 141:8 145:24 148:22 150:2 154:5 contemplated 31:3 81:19 82:6 content 61:8 contents 61:22 62:2,9,22 63:7 67:2 82:18 89:8,11 context 156:21 157:17 160:6 continue 19:17 101:4,8 continued 101:6 continuous 36:13 contract 5:2 23:17 32:14,16,17 34:11,24 36:11,14,20 39:4,12,15
--	---	--

39:19,23 40:5 41:7 45:19 49:16 55:5,15 57:11 58:4 70:16 72:5,10 72:13,15 73:6 76:18,20,23 77:4 77:22 78:1,2,3,4 79:5 80:16 90:22 91:14,16,21 92:1 119:16,20 131:22 152:3 170:6,7 173:12 contracts 35:11 80:1,3,7,9,13 81:1 81:21 82:3 111:10,10 119:8,11 121:21 122:1 160:23 170:4 contract's 77:10,17 contribution 108:9 control 24:4 160:23 conversation 94:18 97:6 153:15 168:10 169:8 conversations 46:17 52:10 62:14 63:13 168:8,20 converting 17:24 18:12 20:14 Cool 107:1 copied 125:6 copy 10:19 37:20 42:18 43:15 114:2 125:14 126:23 copying 126:21 corner 43:4 corporation 72:7 83:6 correct 13:8 20:15 21:6 22:2 23:22 23:22 39:13 44:7,10 47:8,9 48:5 49:17,18 56:20 66:18 71:19 78:7 85:3 95:2 96:15 97:3,5,8 105:21 105:23 109:14,17 117:21 118:19 119:1 120:13 122:14,21 123:13 130:24 132:12,13 134:1,9,20,21 134:24 135:19 138:17 140:16,21 140:22 142:17 143:18 146:8,16 147:4,10 148:5,15 149:19 151:17 158:13,14 160:18 161:19,20 163:16 170:15 171:12 173:8 corrected 48:5 59:14 correctly 79:4 cost 20:10,10 costs 41:13 55:4,15 124:10 counsel 8:5,16 67:8 countersign 133:22 counting 110:5 COUNTY 173:3 couple 145:7 162:3 167:11 court 1:1 10:16 86:7 95:9 106:18 111:18 173:11 cover 42:17,20 45:22 101:17 co-owner 13:21 co-owners 13:16 14:4 cratered 91:11 created 30:24 31:2 80:19 Credit 43:17,21,22,24 44:2,5,8,14 45:5 46:19,24 109:20 121:5,9 125:18 129:19 130:20 135:14,17 136:2,9,11,13,17 137:21,23 138:4 151:2,15,21 165:5,8 170:23 171:6	171:15,18,23 cross-examination 1:13 3:5,5 9:16 93:22 cross-motions 97:12 CRR 173:16 CT 2:5 current 10:1 20:21 currently 13:11 14:9 20:17 55:5 106:15 Cush 43:1 Cush's 43:6 CVF 1:6	Denise 58:22 59:1 depending 23:15 deposed 10:6,8 deposes 9:15 deposit 75:2 166:5 deposition 1:12 2:1 3:1 4:1,5,7 8:6 8:10,15,16 9:4,9 11:11 12:8,21,24 13:7 37:12,24 42:12 58:9 59:5 61:7 63:22 68:23 72:11 97:9 136:19 171:3 172:15 173:7,8,9 DESCRIPTION 4:3 designated 105:18 detail 62:15 102:24 details 60:19 61:4 86:14 determine 20:11 97:20 determined 23:15 developing 13:23 development 13:14 17:20 102:21 103:10 developments 115:19 145:18 devolved 108:5 diaper 20:9,10 diapers 20:8,12,16,22 difference 82:14 128:1 different 16:5,6 82:11 95:1 164:19 Dimitris 53:24,24 54:6,19,20 Diplomate 1:16 173:4 direct 49:5 92:21 115:3 160:22 directed 95:22 111:6 directing 51:17 directions 149:9 150:13 directly 37:1 49:9 52:6 74:10 163:21,22,23 director 28:15 49:22 170:10,14 directors 18:22 discuss 58:2 60:6 62:6 65:12 67:9 163:11 discussed 56:18 62:9 102:24 121:4 discusses 78:19 discussing 57:9 72:11 170:6,19,24 discussion 11:13 13:9 37:18 108:7 109:12 113:1 114:5 117:10 118:6 124:9 132:4 137:16 138:21 145:15 151:18 172:10 discussions 60:17 81:7,10 91:7 disposal 20:9 distributed 88:12 distribution 24:14 District 1:1,2 9:21 dock 152:16 docs 135:18 document 4:4,6,8,19,22 5:4,9,17,20 5:23 6:13 7:1 9:2,8 12:2 24:18,23 37:11 38:13 40:8,12,20,23 41:2 42:19,22 44:4 45:1,3,4 54:14 56:21,24 57:24 58:8,13 59:4,6,8 61:6,18 63:21 64:8,14 68:22,24
--	--	--

69:3,11,20,24 70:9,24 71:10,16 71:23 72:1 85:5,9,19 86:4 87:23 92:19 93:15 95:13 111:16,21 112:5,10,12 113:5,18 114:1,2,7 114:13 118:8,14,22 129:23 137:6 142:24 143:20 144:9 146:8 166:10,14 168:10 documentation 142:16 143:9 145:19 153:4 169:12 documents 5:17 11:8,12,16,21 12:14,17 42:14 94:22 95:14 96:2 96:7,16 97:1 109:21 117:17 121:1 135:22 136:3,4 139:9 148:4 doing 20:6 30:13 47:16 48:19 78:14 dollars 140:7,10 dormant 17:1 draft 66:4 82:8 133:6,15 142:19 143:6 144:5,19 145:5 167:10 drafted 67:5,7 81:9 83:17 91:24 drafting 66:23 67:10 85:15 drafts 114:18 draw 37:23 44:21 132:24 149:7 drug 116:3 dslane@theslanecompany.com 38:22 Duces 94:18,21 due 152:3 duly 9:14 173:5,6 Dura 45:12 duties 29:7	en 123:4,9 Enclosed 59:13 energy 1:8 2:12 15:1 47:22,23 48:3 48:7,12 49:2 55:3,11,13,17,20 56:9,12 67:16 74:3,13,17 79:9,18 84:19 85:1 86:9,23 88:24 89:7,12 90:5 91:8 94:1 108:2,5,19 115:3,6 134:12 140:24 155:19,22 156:5,9 156:11,14,20,22 157:1,3,7,10,13 157:13,18,22 158:2,15,20 159:4 159:10,14,18 160:2,7,12,22 Energy's 160:12 engage 18:5 engaged 103:3 engineer 17:22 England 16:3 46:5 English 128:11 enrolled 101:18 enter 79:24 80:4,8 121:21 122:1 131:22 140:20 entered 80:12 81:1 149:6 166:8 entities 14:20 21:15 115:16,17 116:4,8 159:24 entitled 4:4,6,8,19,22 5:4,17,20,23 7:1 9:2,8 24:15 40:12 69:3,24 70:24 95:13 111:21 113:5 143:20 entity 15:17,20 16:5 22:15,16 23:6 27:17 31:22 42:3 82:22 83:8 108:16,18 115:9 136:21 157:6 Equipments 72:6 escapes 26:11 escrow 4:9 7:1 40:13 41:6,16,19 42:8 47:4,8,12 59:14 62:19 65:12 65:17 87:3 114:18,19 128:11,16 130:18,22 131:6,7,11,20 133:7,15 133:21,24 134:3,6 137:20 138:15 138:17 140:11,14,15,20 142:19 143:6,17,21 144:6,21 145:11 146:24 147:1 148:8 157:14,18 161:15,19 162:1,15,18,24 163:5,9 163:12 164:4,15,17,22,24 167:18 168:16 ESQUIRE 2:4,8,14 established 82:23 estate 13:14,23 21:23 22:8 102:21 115:19 116:20 Estech 1:7 15:3,8,12,15,17,21,24 16:4,9,17,21 17:7,14 18:3,5,8,14 18:24 19:3,9,11,18,24 20:18,20 21:1,5,7,14 22:21 23:3,6,11,21 24:1,9 25:3,10,23 27:18 28:5,9,10 28:13,17,20 29:2,5,7,10,12,19,21 29:21 30:4,6,9,23 31:4,10,14,21 32:1,4,11,14 33:18 35:17 39:11 39:16 41:5,15 42:6 48:22 49:13 55:2,22 56:1,1,2 60:9 67:19 68:4 68:12,14,17,20 72:7,12,20,22	73:2,5,9,15 75:6,13 76:17,19,23 77:2,5,8,15 78:9,16 79:23 80:5,8 80:12,20 82:20 83:10 84:17 85:2 86:8 90:8,18 107:18,19 108:5,8 108:10,12,15,18,20 113:15 114:9 114:12 115:5,7,10 118:9 121:2,21 121:24 122:2,5,6,24 123:6 128:15 132:8 134:6 135:24,24 141:4 148:12 152:2,4 153:6 155:8,18,22 156:5,8,11,14,20,21 157:1,3,5,10 157:12,15,19,21 158:7,15,20 159:3,8,11,15,17 160:3,6 164:4 166:8,14 170:14,17 Estech's 157:23 158:2 estimate 115:16 et 16:15 35:11 51:14 European 127:11 event 23:17,23 110:1 Eventually 24:15 exact 45:12 139:10 exactly 16:15 136:24 examination 3:2 8:14 161:18 example 22:11 89:10 exceeds 20:10 excess 171:19 exchange 51:10 117:9 131:17 executed 4:20,23 5:5 62:19 69:5 70:2 71:2 114:13 118:14 136:17 execution 80:6 exhibit 4:3 9:5,10 12:1,7 37:12,21 37:24 38:4 39:5 40:6,9,15,19 42:16,20 44:21 45:10 47:4 49:24 50:8,11,12,13 51:5 52:24 53:22 56:22 57:6,13,20 58:9,17 59:5,11 61:7,14,23 63:22 64:1 65:13,16 65:20 66:11 68:23 69:7,22 70:4 70:12,18 71:4,7,12,16,18,22 75:13,16,17 76:12 79:21 81:9 82:18 83:21 85:6,20,24 87:21 88:4 92:8,15,22 93:2,6,11 95:10 95:18,22 111:17,19 112:2,6 113:7 113:10,11,11,21,24 114:1,1 118:3 123:21 124:2,22 125:1 126:10,14 126:16 128:22 129:1,13 130:3,6 132:21,24 134:17 135:3 137:6,11 139:3,6,7 141:12,16 143:23 144:3 146:4,7 149:1,4 150:6,9 154:8,11 154:14 161:16,16,17 162:24 exhibits 4:2 11:9,16 42:11,12 167:22 168:15 171:2 exist 22:18 existed 116:1 148:7 existence 31:18 55:23 83:10,15 expect 68:9 134:5 expected 81:4 131:11,14 expecting 131:19 expenses 77:7
--	---	--

expert 35:12 51:18 expertise 117:22 Expires 173:18 explain 143:3 explained 155:10 explore 97:24 export 135:23 expressly 8:15 extensive 137:2 extent 91:23 e-mail 4:11,16,17 6:1,2,4,5,7,8,10 6:11,13,15,16,18,19,21,22 7:3,4,6 7:7,9,10,12,13 36:13 38:5,8,10,21 39:1 42:17 43:5,15 45:21 50:1,4 50:22 51:1,7,15,17 52:22 54:3 56:14 57:16,17 58:15,18 59:12,18 59:21 60:12,23 61:9,16,19,22 62:2,7,10,22 63:1,8 65:10 123:17 123:19,24 124:3,17,19 125:2 126:5,7 127:21 128:19,20 129:2,4 129:13,24 130:7 132:17,19 133:1 133:4 134:18 137:10,13,24 138:12,23,24 139:10 141:8,10,18 141:24 145:23 146:1,12 148:10 148:12,21,23 149:7 150:1,3,11 152:17,21,22 154:4,6,17 162:22 163:3 168:5,14 169:9 e-mailed 163:6 e-mails 34:23 38:16 50:19 96:17 109:22 117:7 125:3 126:13 131:17 139:7 140:23 141:15 146:10 149:5 150:10 151:6 154:12 167:21 168:15,21 170:1 E-S-T-E-C-H 15:3	figure 106:19 151:9 files 96:11,12 final 66:10 132:7 133:14 156:19 finalized 171:23 finance 16:24 finances 33:14,15 financially 173:10 financing 72:20 116:24 find 80:12 96:24 132:5 163:2 finding 119:24 120:4 122:7 fine 118:16 finish 112:13 finished 76:13 firm 173:11 first 9:14 11:10 17:6 46:6,10 51:9 59:11 61:14,15 72:4,23 76:12,14 80:6 103:8 113:10 126:15 130:7 130:21 133:3 141:17 150:11 154:14 162:8 173:6 five 109:22 135:17 136:1,6 fix 117:18 131:2,21 132:8,11 140:16,19 147:7,15 149:18 152:24 168:3,23 fixed 123:9 131:12 132:5 167:18 168:17 fixing 117:14 148:9 fixture 38:4 53:12 117:11,12 169:6 169:16,19,20 Florida 116:9 153:10 focus 119:10 129:1 139:12 follow 55:1 94:2 111:7 138:8 143:17 followed 76:19 80:11 following 95:7 follows 9:15 follow-up 171:1 force 8:17 Ford 102:2 103:9 foreclosed 115:22 foregoing 173:8 forfeited 123:12 forget 136:24 forgotten 116:14 form 22:14 29:19 30:12 32:2 66:10 formalities 148:8 format 127:11 formed 23:13,18 28:4 31:21,22 32:6,8 83:8 108:16 115:9,12 159:24 former 156:1 forming 28:9 forth 103:2 114:19 117:8 122:16 151:7 fortune 116:20 forward 136:1,6 forwarded 54:24 forwarding 152:22	FOUR-PAGE 4:6 5:9,20 7:1 9:8 87:23 111:21 143:20 Fraley 1:15 173:4,16 FRANKLIN 173:3 frantic 111:3 freight 152:3 171:16 friend 47:15 84:16 fro 55:5 front 111:17 full 51:9 55:4,14 77:2,5 152:2 171:15,16 fully 171:24 fully-signed 114:3 full-time 26:16,17 101:3 fund 19:17 41:19 136:2,7 funded 19:24 44:5 109:21 157:13 157:18 167:18 168:16 171:24 funding 19:13,23 20:1,18 73:15 79:13 135:16 funds 19:18 47:7 67:20 68:5 73:24 84:6 86:18,19,24 87:4,8,13,18 122:12 136:16 148:12 164:3,3,8 166:22 further 48:24 93:18 145:17,19 161:6 future 25:19 82:4 FYG 54:24 F-A-L-T-E-R 19:22 F-O-L-L 55:1
F		
facilitate 136:12 fact 48:21 148:4 152:2 153:21 155:7 164:6 fair 23:20 25:22 79:17 118:10 fairly 117:4 fall 115:17 Falter 19:20 20:8,10,17,22 23:17 23:24 24:3,5,10 25:19 familiar 38:5,16 42:19 43:17 62:3 69:14,15 77:18 82:20 88:7 143:2 156:2 159:20 family 14:11 family-owned 14:7 far 51:20 60:8 fault 112:7 favor 27:21 88:21 123:7 Federal 1:14 8:8 fell 13:22,24 34:11 110:24 111:1,2 152:14 fiber 18:1,12 20:14 fifth 137:1		
G		
Gamble 24:8 garbage 17:24 18:2,12 20:14,16 Garth 37:24 42:12 58:14,18 59:13 66:13 147:3 gas 5:9 47:20 48:11 87:24 88:7 89:4 gears 119:3 general 45:13 67:8 100:4 generally 118:12 generate 19:9 generates 21:4 Gerald 102:1 getting 99:17 101:2,9,19 124:10 give 10:11 22:11 23:16 97:17 115:15 138:19 143:11 given 173:7,8 gives 107:11 giving 72:12 glad 140:4 go 12:2,7 27:23 31:16 42:10 71:12 71:22 74:9 76:1 78:11 83:21 99:9 99:10,13,14 102:10 112:13,23 113:2 118:1 119:3 131:20 136:4 136:16 137:18 149:13 163:17 goes 76:14 77:8 132:4 140:13 156:13 157:5 going 10:11,17,17,18 32:14 37:11		

37:13,23 38:3 40:8,20 42:10 45:17 49:24 51:5 54:7,15 56:19 56:21,23 57:13 58:8 59:4 61:6 63:21 65:24 68:22 69:20 74:19,21 74:23 78:15 85:5,19,20 92:18 93:6 97:9,11,13,19 99:17 100:11 101:6 106:18 110:7 114:18 116:23 117:7 118:13 125:2,3,6 126:22 131:18,20,21 133:16 136:16 140:19,24 141:6 144:20 146:13 147:7,9 149:8 163:17 good 9:18 123:14 gotten 130:12 government 109:10 Governor 103:11 gradations 100:19 graduate 98:7 grain 153:9,11 great 110:6 122:19 greater 169:6,16 group 72:6 77:16 80:4 81:19 82:6 82:11 125:16 141:15 Grupo 45:13 Group's 80:23 81:4,4 guarantee 40:1 55:4 56:16 guaranteed 55:14 gubernatorial 104:2 guess 79:15 126:15 Gulfport 35:24	honest 97:18 honestly 13:3 hospital 105:2,2,7,9,10,16,24 106:1 Hostetler 1:18 2:8 hour 130:23 147:2 hours 150:19 162:3 House 102:1,3,12 103:9 Houston 2:10 hundreds 116:11	international 98:17 99:7 137:2 introduced 17:17 investment 30:4 84:3,5 investments 48:11 investor 25:11 153:19,22 155:3,10 investors 82:7 121:16 invitations 102:9 involve 37:5 involved 14:23 18:11 27:2 31:14 32:14 50:24 75:4,5 91:20 111:10 165:11 170:16 involvement 14:17 15:8 16:8 22:20 36:12,14 39:18,22 56:8,11 82:17 85:15 90:18 91:14 110:21 170:5 involves 100:7 158:7 involving 20:21 86:7 iron 30:16,19 31:2 32:12,17 33:18 34:3,7 45:15,17 53:10 55:6 80:2 84:9 90:23 96:13 109:19 110:8 119:9,17,20,24 122:24 123:1,10 152:10 153:8 160:8,9,24 169:7 issue 64:18 86:16 135:22 145:8 issued 33:8 40:1 109:21 125:15 136:3,11 151:1 171:16 issues 51:13 52:20 58:3 61:3 62:6 154:1 Italian 19:19 Italy 20:8,9
H	I	J
half 61:15 154:14 hand 147:20 173:13 handed 144:2 Handing 112:18 handling 136:9 137:3 happened 19:16 111:3 happens 97:13,20 happy 11:4 hard 95:6 138:8 head 73:19 81:24 headquartered 116:6 hear 31:6 147:3 heard 27:17 28:3 48:2 136:20 help 30:14 34:12 52:16 74:19 78:12 79:3 163:2 helping 34:20 45:18 51:19 hereinafter 9:14 hereto 173:10 hereunto 173:13 high 18:2 Hipolito 45:13 hired 17:2,9,13 24:1 hiring 17:11 hit 27:24 Hlavin 84:14 hold 14:2 100:23 104:21 107:5	idea 30:9 identified 80:3 Igor 152:22 immediately 99:9,14 145:16 149:7 important 97:17 includes 61:17 including 72:20 77:15 income 19:9 inconvenience 110:7 incorporated 21:7 incredibly 172:8 independent 35:19 INDEX 3:2 4:2 indicate 125:21 155:2 indicated 45:22 94:3,12 97:18 115:1 120:16 127:3 136:19 144:23 151:14 161:18 171:5,14 indicates 124:3 168:6 indicating 43:9 54:6 133:16 143:16 152:23 153:4 171:2 individual 22:9 31:13 36:4 51:24 134:19 individually 158:12 individuals 82:15 industry 110:11,12 information 5:18 95:15 101:1 169:15 info@marinebux 53:1 initial 36:12 145:5 injecting 18:1 input 24:2 47:3 66:23 86:22 167:5 inquiries 53:18 insertions 144:10 INSPECTION 5:18 95:16 instructions 132:7 intelligence 99:21 100:8 intended 119:9 intends 91:1 intent 122:9 intention 79:22 interact 34:23 interest 16:11,12,14 17:3 23:10,11 23:14,21,22 24:21 25:3,23 39:18 39:22 interested 148:6 173:11 interests 118:18,24 124:9	Jacobs 47:18,19 48:15,21 49:1,5,12 59:3 67:8 74:2 81:7,13 88:23,24 91:8 134:12 139:24 142:10 144:18 162:12 163:16,18,20 166:19 JACOBS/MICHALEK 5:1,12 70:14 92:11 Jaime 45:12 James 2:8 105:2,9,10 106:1 Jan 17:5 23:15 28:7,17 30:11 31:13 32:2,16 34:9 38:20 51:11,19 52:5 55:8 59:15 77:21 78:9,17 79:5,23 82:2 84:4 92:1 107:23 111:3 125:4 136:15 162:2 165:14,16,17 165:17 166:16,17 Jan's 34:10 161:23 JD 98:19 99:1,2,13,17 Jerry 47:18 59:2 67:8 73:23 74:2 78:11,14,22,24 79:2 86:12 88:20 88:22 163:18 166:19 Jerry's 59:1 84:16 Jersey 115:20 Jim 13:1,4 93:24 JKM 55:7 80:3 jkm@estechusalle 38:19 job 35:10 100:4 jobs 21:2

Johan 35:6,7,16 37:2,5,8 51:12,16 51:18 52:3,6 53:3,4,20,21 111:6 153:7 169:1,3,8,11,14 Johan's 35:10 John 106:17 Johnstown 10:3 13:18 26:21 27:5,7 joined 160:3 joint 21:14 159:18,20 160:3,7 joint-venture 21:15,18 journal 158:5,8,23 journals 89:23 157:23 158:16 Judge 97:10,11,11 98:1 jump 117:24 June 1:20 8:1 172:14 173:14 Juri 146:22 jurisdictions 21:12 J-A-N 17:5 J-O-H-A-N 35:7	Lading 135:22 laid 167:21 language 129:18 154:1 large 116:5 largely 111:13 larger 153:8 lasted 97:6 late 84:4 139:24 143:16 169:22,23 Law 2:4 9:19 98:16,17 99:6,7,10,12 99:14,18 101:2,9,11,16,19 lawoffices@mahoneykeane.com 59:13 lawsuit 110:19 lawyer 13:6 102:16,17 138:19 lawyers 27:11 107:15 116:16 Laycan 59:15 114:20,22 LC 42:18 43:15 125:14 lead 110:18 Leader 106:17 leases 88:19 89:3,3,4 leave 101:22 123:2 leaves 126:2 led 41:11 169:15 left 43:4 51:6 115:23 147:3 legal 30:14 legitimate 136:21 lend 41:19 42:1,3 68:14,17 166:5 lender 121:18 153:23 165:21 lent 91:2 letter 5:1,7,12,15 43:17,20,22,23 44:2,5,8,13 45:5,23 46:18,24 65:15,20 66:14,24 67:3,10 70:15 72:18,19 75:17 76:21 77:1 81:8 81:14,18 82:18 83:14,17 85:22 92:11 93:10 109:20 118:4 121:5,9 125:18 129:19 130:20 135:13,17 136:2,9,11,13,17 137:21,22 138:4 144:20 145:5,9,11 151:2,15,20 165:4,8 166:24 167:6,11 170:23 171:6,15,18,23 letterhead 66:21 118:5 Let's 103:8 113:2 119:3 level 100:16,22 Liability 21:9,10 liaison 105:19 licensee 108:21,22 Limited 21:9,10 line 61:17 65:18 72:4 lines 38:16 list 96:2 listed 89:7,9 listened 122:16 lists 89:12 115:6 litigation 86:6,15,22 little 25:18 42:10 94:8 98:1 138:8 LLB 98:21 LLC 1:7 5:15 15:3,9,13,15,17 16:4	16:9,18 17:7 18:3,5,14 19:1 22:9 22:14 23:11 24:10 27:18 28:5 31:21 55:2 56:2 68:20 72:8 77:16 82:20 83:10 93:10 107:18,18 108:2,13 115:7 LLC's 115:6 load 123:10 124:11 152:9 153:9 loaded 53:10 152:9 loading 135:21 loan 68:11 72:20,24 76:14,19 142:13 145:18 151:16 152:1 157:16 160:12,18 166:7,14,14 loaned 151:21 loans 77:2,5 located 13:17 14:14 35:21 80:1,13 109:8,9 151:12 locating 120:11 logical 113:17 London 134:23 long 15:5 99:22 100:2 101:11,13 102:12,17 103:12,20 104:5,15 147:14,18 longer 83:15 look 37:16 38:16 40:19 42:13 43:17 44:12 69:15 113:10,21,24 114:9 125:2 134:17 154:24 159:1 looked 11:22 40:6 117:17 122:15 129:13 looking 44:22 50:14 66:11 71:6 112:13 124:9 129:18 131:10 134:4 140:23 looks 38:5 43:5 126:22 139:9 lose 132:11 lost 31:19 111:4 lot 115:20 116:10,16 lots 159:24 Louis 136:4 Louisiana 2:9 lumps 53:11 lunch 119:3 L/C 138:2
<hr/> K <hr/> Keane 59:9 62:18 65:4,16 67:15 76:16 87:3 133:19 144:14,21 145:1 147:4 148:11 164:10,13,15 164:18 167:1,2,3 Keane's 147:19 keep 110:2 Kentucky 82:24 kept 78:17 kind 38:2 48:9 117:24 140:8 kindly 53:9,13 131:1 139:14 140:13 knew 152:15 know 10:24 11:4 17:13,16 20:17,24 21:11 22:17 24:5 28:20 29:4,14 29:17,18 30:6 31:5,7,10,18 32:4,6 33:21 34:1,2,3 35:3,4,21 36:6,22 38:18 39:7,14 40:4 41:11,15 42:6 43:2,7,13,20 46:1,23 47:6 48:12 48:21 49:8,11,15 50:18 53:24 55:9,13 58:22 59:17,19,20,24 60:4,11 62:13 63:18 64:7 65:2 67:5,7,14 68:1 73:4 74:24 75:15 75:18 76:20 80:10,23 81:3,18,23 82:1 83:13,17,24 84:11 85:11 86:14,19 89:15,20 95:8 107:19 108:12 111:2,5,6 115:23 121:8,12 131:13 136:21,22 140:6 145:1 153:24 162:20 163:23 164:2,6,12 164:12,17 165:7 166:7,17 167:12 169:14,20 170:16 171:10 172:1 knowing 148:7 knowledge 29:3,9 31:15 56:13 83:12 115:4 165:10 KOK/SLANE 6:11 128:20 K-Mart 116:5	<hr/> L <hr/> labeled 96:4 113:11,24	<hr/> M <hr/> M 23:19 42:17,22 43:15 45:21 magazine 88:11 magazines 89:23 Mahoney 50:14 59:9 62:18 65:3,15 67:15 76:16 87:2 133:17,19 144:14,21 145:1 147:4,19 148:11 164:10,12,14,18 167:1,2,3 main 51:13 mainland 109:5,9 major 136:23 MAKER 4:21,24 5:5 69:5 70:2 71:2 making 52:12 110:21 165:11 managed 140:4 156:20,22

manager 14:13,13 26:4,8 45:13 managing 100:7 Manzanillo 124:11 Marcia 26:9 Marie 43:1,6 Marine 51:10 mark 26:7 40:8 49:24 56:22 57:13 60:14 69:21 85:20 92:8 95:10 111:19 113:2 134:18 135:2,10,11 137:24 138:1 162:23 163:7 marked 9:5,10 11:9,16 37:12,15,24 38:2 40:15 42:11 45:10 50:8 56:22 57:6,19 58:9 59:5 61:7 63:22 65:13 68:23 69:7 70:4,17 71:4,13 75:13 79:21 81:9 82:18 85:6,24 88:4 89:10,16 92:14 93:11 95:17,21 112:2,7 113:7 123:21 124:2,21 125:1 126:9,13 128:22 130:3 132:21 137:6,10 139:2 141:12,15 143:22 144:2 146:3 149:1,4 150:5 154:8,11 161:16,17 162:24 168:15 171:3 market 116:20 Martinez 45:12,13 84:6 125:16 Master 99:6,14 101:2,9,11,16,19 Master's 98:17 99:17 material 135:23 materializes 23:17 Materials 42:19 72:6 119:21 125:15 mathematician 150:21 matter 9:20 94:1,17 97:10 170:18 max 125:16 McCoy 26:9 mean 11:22 20:7 24:21 27:7 31:19 35:14 44:15 46:23 78:2 89:15 means 117:18 127:21 131:3 meant 142:20 147:18 meet 123:7,11 meeting 142:13 144:18 162:11,17 meltdown 116:15,22 member 88:13,15,20 107:19,24 members 14:11 88:12 107:19 mentioned 116:13 124:8 merely 159:3 message 51:9,17 52:24 53:16,23 54:19,24 149:8 150:12 155:1 met 120:18 134:11 139:23 142:10 142:15 147:10 metric 152:9 Mexican 34:8 90:14 120:1 Mexico 34:5 41:14 45:8,14 84:7 90:23 96:14 123:3,4,10 124:11 125:23 Michalek 17:5,13 18:18 19:3 20:24 22:20 28:7,17 31:13 35:14,15 36:2,6,22 39:7 41:18 42:4 44:5	45:19 47:3,7,11 49:1,6,19 50:23 51:11 52:14,20 53:1 55:8,9 56:11 56:15 57:9 58:2 59:15,18,20 60:1 62:10 67:19 79:24 80:11 81:8,14 82:6 90:21 91:1 107:23 108:16 115:1 125:4 126:1,21,22,24 130:15 154:18 163:15,21 165:18 166:16,17 168:18 Michalek's 29:4 162:1 MICHALEK/CHARTERING 4:14 6:5 57:3 124:18 middle 58:17 124:1 135:5 137:13 139:11 midnight 142:3 150:16 mid-point 150:11 Milestone 1:4 4:15,18 5:11 6:2,6,9 6:12,14,17,20,23 7:5,8,11,14 9:20 40:9 50:15 51:6 52:23 53:23 56:23 57:5,14,19 86:8 87:6,20 88:3 89:11,16 113:15 121:2 123:20 124:1,21 126:2,9 127:5 128:21 130:2 131:10,19 132:20 134:22 139:2 141:11 145:1,17 146:3 147:6 148:17,24 150:5,15 151:21 152:4,18,24 153:7,19 154:7 155:18 156:24 159:2 163:4 169:5 Milestone's 147:22 MILESTONE-000150 5:22 112:1 Milestone-0058 50:2 MILESTONE00000001 4:10 40:14 MILESTONE00000058 4:13 50:7 million 140:7,10 171:20 mind 158:9 mine 47:15 82:24 83:9 95:4 miner 33:22,23 34:8 45:5,7,8,14 52:16 58:5 84:7 111:8 120:1 152:15 171:20 Minerals 108:24 Minority 106:17 minute 70:21 minutes 60:10 97:7 117:9 125:3 misinterpretation 145:7 167:15 missing 141:1 misstates 54:13 mistake 50:16 149:14 mix 20:16 mixup 151:5 mnfchart@otenet.gr 38:17 Moloney 2:14 61:16 62:12 63:17,19 65:17 66:13 67:6 83:19,20 120:24 134:12 139:24 142:10,18 143:5 144:10,19 145:4,10 151:18 162:12,18 163:11 166:19 168:18 168:21 Moloney's 62:17	MOLONEY/WOLFSON 5:7 85:22 moment 11:11 15:4 37:16 40:19 42:13 44:23 50:18 58:10 59:6 61:8,21 63:23 137:15 money 19:11 33:13 62:18,20 63:14 64:19,22,24 65:6,7 67:14 68:12 68:15,18 72:16 73:12,16,22,24 74:5,9 75:5,7,16,24 76:14 83:24 84:11 85:1 91:2 131:7,11,20,21 134:6 140:8 145:2,15 147:9,15,18 147:20 148:7,11 153:16 164:23 167:1,9 168:2 month 13:1 months 101:12 morning 8:1 9:18 130:13 134:9 146:18 161:13 163:6,14,20 170:24 motions 97:12 motor 132:1 mouthful 106:10 move 148:9 MV 149:18 M&F 4:11 50:5 M&K 38:1 M&K-0016 45:11 M&K-0049 58:17 M&K-0060 59:12 M&K-0181 61:15 M-I-C-H-A-L-E-K 17:5 M-I-N-E-R 33:23
N		
name 9:18,22 15:2 16:6,7 17:6 22:9 23:18 26:11 32:3 33:1 34:21 35:6 36:3,6 45:12 47:21 93:24 102:22 108:19,22 161:21,22 162:1,4 nature 46:10,16 52:10 60:17 61:1 63:12 84:5 87:10 need 46:20 70:20 90:1 158:10 needing 132:5 need-to-know 101:1 negotiate 121:21 122:1 negotiated 40:4 negotiating 79:2 91:20 negotiation 36:10 119:12,16 negotiations 55:5 160:23 170:5 net 77:10,14,17 117:1,5 never 16:10 41:2 56:18 62:9,19 83:6,7,9 85:13 106:19 136:20 140:8 151:14 170:13 Nevertheless 140:5,13 new 1:2 9:21 65:3 80:3,6,24 81:20 86:7 98:6 115:19,20 116:9 139:10 144:21 145:12,15 153:12 168:6,7 168:11 newspaper 89:24		

night 146:19 Nine 104:17 NINE-PAGE 5:17 95:13 nodding 73:19 81:24 noon 150:17,22 Notary 1:17 8:9,11,13 173:4,17 note 4:20,23 5:4 69:4 70:1 71:1 75:11,12,16 83:22 130:22 131:2 139:14 140:14 notes 118:1 notice 1:18 4:7 8:10 9:9 11:10 12:8 notified 64:23 167:8 notify 65:5 133:23 167:7 notifying 64:18 November 5:10 34:12 36:17 41:24 46:8 72:21 88:2 89:12 111:4 124:4 126:19 127:12 129:9 number 61:3 72:5 83:21 103:6 115:15,16 116:11 119:6 157:22 158:2,16,19,22 numbers 38:1 93:7 numerous 22:4 137:3	44:19 48:6 50:18,20,21 51:20 53:6 54:12,16,22 55:24 56:7 58:11,12,19,24 61:5 62:1,5 69:9 69:17,19 70:6 71:8,13,18,21 73:14 74:1 76:10 78:1,5,10,13,18 79:4 85:4 86:2 88:6 91:18 92:4 93:5,17,20 94:11 95:5 97:23 98:24 99:6 101:18 103:8 109:11 109:18 110:10,12,15 112:13 113:20,23 114:12 118:7 135:6,7 136:11 138:20 139:16 150:22 163:19 164:1,10 167:4 171:13,22 172:4,7 old 98:3 once 131:20 134:5 136:17 one-page 4:14,16 5:7,12 6:1,4,7,10 6:18 7:3,6 57:3,16 85:22 92:11 123:17 124:17 126:5,16 128:19 137:10 138:23 139:7 145:23 146:7 148:21 149:5 open 127:20 operate 20:3,5 operating 15:6 77:6 80:4,19,24 81:5,20 82:8 84:6 operation 156:17 operations 141:19 156:15 163:4 opportunities 157:6 opportunity 157:9 opposed 52:14 74:13 option 152:10 order 37:14,14 95:10 106:22 112:7 123:7 ore 30:16,19 31:2 32:12,17 33:18 34:3,7,9 39:9 44:3,6 53:11 55:6 80:2 84:9 90:14,23,23 96:13 109:19 110:8 119:9,17,20,24 122:24 123:1,8,10 152:10,16 153:8 160:8,9,24 169:7 organized 95:7 169:17,18 original 149:8 150:12 167:10 Originally 77:21 Orleans 153:12 Orozco 2:4 3:5,6 9:17,19 11:14 13:10 15:16 19:8 27:22 28:2 31:9 37:19 40:18 44:15,18,20 50:12,15 50:17 54:3,7,8,15,17 57:22 58:17 58:21 64:12 69:10 70:7 71:6,9 75:19,22 92:6,8,17 93:6,13,18 95:1,8 96:17 103:1 111:16 112:5 112:21,23 114:3 119:7 123:14 134:19 135:3,7 137:15 145:21 148:1,14,19 158:5,9 161:8,12 172:2,5,8 Orozco's 94:4,24 outcome 97:20 outlined 12:15 outside 21:12 29:12,15 48:13	out-of-pocket 77:6 overlaps 101:16 overwhelmed 52:16 owned 22:10 23:3 24:7 28:6 83:4,5 105:12 109:10 156:20,22 owner 28:17 29:5 47:20 50:23 owners 15:22 167:22 ownership 80:5,20 156:9,10 owns 23:13,21 o'clock 133:11 134:8,8 139:20 146:19
O	P	page 3:3 4:3 12:2,4,15 38:8 42:20 45:10 51:6,7 52:22,23 53:22 54:2 54:3 59:11 61:14,15 64:2 72:5 79:21 83:14 89:8,10,16,17 92:21 93:1 96:1,3 115:6 124:1 126:15 130:7 133:3 134:17 135:2,5 137:18 139:10 141:17 150:11 154:14 155:14 159:1 163:4 pages 5:13,21 12:8,10 37:14 38:3,4 40:9 92:12 96:4 111:23 112:8 150:9 158:8 paid 19:3 68:4 160:12 paperwork 35:11 paragraph 77:1 79:22 80:21 83:14 130:21 131:1,24 154:24 155:15 156:8,13,19,24 157:12,21 159:1 159:17 parentheses 76:18 77:12 80:3 part 39:11 46:18,24 81:20 82:4 95:6 101:17 155:8 165:4 171:6 partial 121:4,8 151:15,20 165:7 partially 139:9 participation 16:20 particular 16:23 28:24 31:24 171:6 particularly 110:13 117:16 parties 8:6 39:14 79:23 partner 16:13 17:2 partners 16:15 party 5:20 35:19 40:5 41:5,7 49:16 52:8 53:10 57:10 58:3 111:22 113:14 117:14 119:7,13 131:12 149:6,22 152:19 159:19 160:3 167:17 168:17 170:6 171:17 173:10 part-time 21:2 26:14 101:3,7 path 27:23 patient 172:9 pay 20:9 24:4 77:3 91:2 payment 55:4,14 77:9 79:13,16,18 91:9 152:18 penalty 110:8 pending 9:21 86:6 people 132:9 percent 24:7 77:3,10,13,13,22,23

<p>78:6,15,17,17,22 79:5,7,9,12 160:16</p> <p>percentage 16:16 78:19</p> <p>perform 19:12 33:22 58:5 110:2,9</p> <p>performance 30:15 32:12,18,19 33:5 39:17 41:6 44:16 67:18,20 72:12,16,22 73:2,5,10,16 75:8 76:13 77:24 79:14 90:12 91:3,9 91:10 108:23 109:23 110:1,4 123:7,11</p> <p>period 36:15</p> <p>PERMIT 5:18 95:16</p> <p>person 35:5,14 43:12 162:12</p> <p>personal 33:13,15 73:17,18 74:1 89:8,17</p> <p>personally 32:21,22 34:17,18 41:19 73:15 88:18 89:3,22 90:3 91:13 95:22 111:9</p> <p>phone 46:14 65:10,11 111:3 157:22 158:2,16,19,22 168:8,10 169:10</p> <p>phrase 116:14</p> <p>physical 26:20 27:4</p> <p>physically 147:18</p> <p>pick 118:3 158:10</p> <p>picked 130:13</p> <p>place 118:17 169:21 173:9</p> <p>Plaintiff 1:5,13 2:7 8:7 113:13 155:17,17 156:24 159:2</p> <p>Plaintiff's 155:12</p> <p>please 9:22 10:24 33:4 37:17 51:14 53:9,13 63:23 118:4 130:22 131:1 139:14 140:5,13</p> <p>plus 109:21</p> <p>point 98:22 102:20 142:9 153:18</p> <p>pointed 112:8</p> <p>political 102:6,7 103:6,16 106:7 107:16</p> <p>popularly 99:23</p> <p>port 51:14 55:6 123:2 124:11</p> <p>portion 24:16</p> <p>position 13:15,19 14:2 22:21,24 62:17 103:12,20 122:10 168:7</p> <p>positions 103:3 104:21</p> <p>possession 147:19</p> <p>possible 134:1</p> <p>post 72:23 73:5 110:4 128:15 129:16</p> <p>posted 67:19 72:22 73:2</p> <p>posting 77:24</p> <p>post-White 103:9</p> <p>potential 19:19 23:16,24 82:2 119:24 120:4</p> <p>PRC 109:6,16 110:13</p> <p>precise 94:9 115:15</p> <p>predecessor 55:21 56:1 115:11</p> <p>PREMISES 5:18 95:16</p> <p>prepare 12:20</p>	<p>prepared 146:23 166:24</p> <p>preparing 130:22</p> <p>presence 8:11 173:7</p> <p>present 2:13 90:10 107:5</p> <p>presented 157:7,9</p> <p>President 14:5,6 102:8 103:9</p> <p>pressing 132:10</p> <p>pressure 18:1 122:19,22</p> <p>presumably 149:10</p> <p>previously 42:11 56:22 149:18</p> <p>principal 4:20,23 5:4 29:6 69:4 70:1 71:1 79:23</p> <p>printed 43:5,5</p> <p>prior 40:23 110:17,22</p> <p>pro 79:15</p> <p>probably 112:6 115:22 117:8 130:14 143:14</p> <p>problems 139:8</p> <p>procedure 1:14 8:8 10:15</p> <p>procedures 133:23</p> <p>proceeds 45:4 77:10,14,17</p> <p>process 20:11,13,13</p> <p>Procter 24:7</p> <p>procure 111:10</p> <p>produce 5:17 94:22 95:14</p> <p>produced 37:15 40:9 43:12 50:1 112:8 127:5 150:15</p> <p>producing 97:1</p> <p>production 56:23 57:14 69:21 70:11 85:7,20 87:20 92:9 139:8</p> <p>profit 76:6 79:16,17 153:7 169:5,7 169:16</p> <p>profits 77:22 78:1,15,19 79:5,12 160:13,17</p> <p>project 16:24 17:21,23 18:11 19:12 19:19 22:8,15 24:4,10 60:7 83:7</p> <p>projects 13:23 18:6 20:21 21:23 115:21 116:9,24 137:4</p> <p>Promissory 4:20,23 5:4 69:4 70:1 71:1 75:11,12,16 83:22</p> <p>proof 8:12</p> <p>property 14:13 26:4,8 27:5</p> <p>proposed 133:14 144:20 145:11 157:17 160:13 162:23</p> <p>prove 148:11</p> <p>provide 30:3 45:14 48:22 169:11</p> <p>provided 49:12 72:16 73:9,15 90:21 164:4,7</p> <p>providing 72:19 85:1 165:11</p> <p>Public 1:17 173:5,17</p> <p>published 157:23 158:16,23</p> <p>purchase 30:16,17,19,21 32:12 44:3,6 82:24 83:7,8 88:18 89:3 96:13 119:8,9,16,16 160:8</p> <p>purchased 15:10,17 83:9</p> <p>purpose 18:3,8 28:20 43:21 44:1 46:16,20 171:5</p>	<p>purposes 13:7 147:23</p> <p>pursuant 1:17 8:9 76:17,23</p> <p>put 30:15 32:18 41:5,15 43:23 49:5 58:24 62:18 64:19,22 65:1,6,7 74:23 109:24 123:6 134:6 163:16 164:23</p> <p>putting 44:2 109:20 120:14</p> <p>puzzled 142:19</p> <p>puzzles 115:5</p> <p>p.m 127:17 129:10 130:10 142:4 149:11 172:14</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>qualification 8:13</p> <p>qualified 173:5</p> <p>question 10:22,23 11:1 12:9 57:23 70:8 75:18,19,20 90:15 93:1 94:6 131:15 170:20,21</p> <p>questions 10:17 40:21 61:3 93:18 94:2,4 119:6 123:15 161:6,14 171:1 172:3</p> <p>quick 171:4</p> <p>quid 79:15</p> <p>quit 100:11</p> <p>quo 79:15</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>raise 140:8</p> <p>raised 62:6</p> <p>RDR 173:16</p> <p>read 64:17 65:15 72:3 75:20 96:19 97:10 170:21</p> <p>reading 8:14 56:14 61:18 62:4 64:11</p> <p>real 13:14,23 21:23 22:8 102:21 115:19 116:20</p> <p>really 12:22 16:24 20:4 27:16 35:10 38:7 63:16 67:11 69:16 109:4 113:19 115:11 117:15 131:13 140:2 143:14</p> <p>Realtime 1:16 173:4</p> <p>reason 11:4 16:23 30:12,23 34:11 52:13 60:5 63:4 74:9,12 115:9 147:21 150:21</p> <p>recall 10:14 11:15,18 12:4 17:9 33:1,5 36:16,19 38:13 39:3 41:3,4 41:22 42:22 43:14,16 44:1 45:21 46:2,10 48:15 50:24 51:21 52:4 53:15 57:9 58:13 59:8,10 61:11 61:17 62:16 65:9,23 66:15,16,19 71:20 72:1 74:24 87:10 93:16 94:5,6,11,14,17,21 96:22 97:7 109:22 114:10 115:8,12 117:11 122:11,19 124:6 125:10 127:2 129:4 130:9 139:16 141:24 142:1 142:12,18 143:5 147:21 151:4,11 151:18 152:6,14,17,21 153:3,18</p>
---	---	--

<p>154:22 161:14 162:22 163:8,21 164:5,8 165:22 167:19 171:8,17 recalled 171:15 recap 38:5 53:12 receipt 135:18 168:22 receipts 77:4 receive 24:13 52:18,19 75:11 77:13 77:16,21,23 78:5,20 160:16 received 4:12 6:5,8,16,22 7:4,10 11:18 30:6 42:6 47:7 50:6 55:1 75:13,15,24 77:4 96:8,18 124:19 126:7 127:22 128:10 131:7,21 132:19 139:19 141:10 145:2 146:1,17 150:3 153:5 165:7 receives 102:8 receiving 11:15 38:13 39:1 58:14 59:9 124:6 125:10 127:2 129:4 130:9 139:16 152:17,21 153:3 154:22 168:21 Recess 28:1 70:22 92:7 119:4 161:4 recognize 112:11 113:18 144:9 recollection 38:24 97:17 114:17 124:13 141:21 142:9,22 149:21 151:24 153:14 recommendations 102:10 record 9:23 11:13 13:9 37:18 108:7 112:24 113:1 114:5 118:6 119:3 137:16 138:21 161:5 172:10 recross 161:8 RECROSS-EXAMINATION 3:6 161:11 Redirect 161:9 reduce 151:19 153:6 reduced 173:7 reduction 77:14 refer 38:3 51:5 99:23 151:1 reference 72:4 93:7 125:13 155:1 171:4 referenced 72:23 75:17 83:13 157:14 references 43:21 85:11 167:12 referencing 76:21 86:20 166:10 referred 65:18 144:6 referring 54:5 120:23 135:13 137:20,22 138:12 refers 133:18 135:21 140:6 reflect 114:20 refresh 149:21 regard 108:8 109:3 119:7,10,12,15 119:19,23 120:3,10,14,16 121:17 122:10,12,18 129:19 136:13 142:15 145:18 155:9 160:11 regarding 48:16 49:1 51:13 81:8 87:3,7 90:12,13 91:8 162:14 163:15 170:18 Registered 1:15 173:4 regular 52:8</p>	<p>relate 119:8 160:24 related 85:17 115:10 173:10 relating 96:13 135:23 relationship 16:8 82:5 90:5,8,8 relationships 21:15,18 relay 168:17 release 147:9 released 67:20 relocating 41:13 relying 77:11 111:13 117:21 remaining 77:4 78:17 remember 15:4 16:7 58:20 61:4 62:4 64:11 66:22 112:15 116:23 139:23 140:2 143:14 144:13 163:24 168:19,20 171:18 reminders 10:12 remit 133:24 renewed 107:3 repay 160:18 repayment 77:2,5 repeat 75:19 rephrase 10:24 131:15 replacement 153:1 reporter 1:16,16 10:16 95:9 106:18 111:19 173:4,4 reporting 173:11 represent 37:13 94:1 117:1 representation 55:10 56:15,19 representative 122:6 represented 91:1 representing 9:20 46:4 represents 83:24 request 41:11 48:18 84:4 129:19 146:23 166:1,2,4 requested 167:7 requesting 41:8,9 87:12 96:3 116:24 require 109:24 110:3 required 32:17 33:9 39:9 41:5 47:8 72:22 73:5 76:17,22 84:3 105:17 108:24 168:23 respect 16:17 32:12 34:6,19 36:10 36:20 67:18 80:24 81:20 90:21 91:15 97:20 160:22 165:21 170:23 respective 8:6 responded 53:15,19,20,21 responding 129:12 response 48:18 63:15 87:14 94:3 96:23 97:18 155:6 responsibilities 13:20 responsibility 39:12 restructure 80:5,20 result 58:3 152:18 169:6 resulted 169:16 results 23:24 retained 52:3</p>	<p>return 77:23 78:14 79:2 86:17,24 87:3,7,18 166:22 returned 67:15 revenue 153:4 reversals 116:19 review 11:12,20 12:8 44:22 50:19 58:10 59:6 61:8,21 63:23 71:23 106:9,23 118:14 120:24 136:5,7 162:6 reviewed 97:10 143:8 reviewing 12:4 61:18 revised 163:6 revisions 163:8,11 right 15:14 32:7 36:18 43:9,20 44:11 45:11 71:6,16 97:7 106:20 106:23 109:13 114:16 117:16 120:9 122:11 138:1,6,9,10 140:12 150:11,18 159:21 164:5 166:22 rings 157:23 158:2 Rite-Aid 116:3 Road 10:3 13:18 27:7 RODON 132:1 role 15:20 16:17,18 17:7,11,19 21:5 24:9 25:10,18 27:12 28:10 29:4 34:6,19 36:19 49:20 80:23 81:4,5 102:3 115:1,3 119:11,15,19,23 120:3,10,13 121:17 136:8 165:21 166:13 Roth 26:7 roughly 103:22 125:21 127:24 139:20 171:19,19 route 123:4,9 royalties 24:16 royalty 24:4 Rule 173:12 ruled 97:11 Rules 1:14 8:8 runs 96:3 rush 123:8 Russian 34:21 36:3,23 153:24 R-O-D-O-N 132:2</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>Salaried 26:18 salary 21:4 sale 31:2 34:7 80:2 96:13 119:9,10 119:20 160:8 sales 5:2 39:12,14,19,22 55:15 70:16 72:5,10,13,15 73:6 78:2,4 79:24 80:9,13,24 90:22 91:14,16 91:21 170:7 SANTA 149:18 satisfied 122:13 saw 66:10,12,12 81:18 85:13 162:8 166:10 saying 126:1 138:10,14 140:3 147:6 149:17 165:17</p>
---	---	--

<p>says 9:15 38:17 42:18 45:11,12 51:6 53:3,9 54:9,23,24 59:11 72:19 76:11,21 79:22 117:18 125:14 127:10,14 130:21 131:1 135:1,12 150:13 151:1 154:24 157:12 163:5</p> <p>SC 100:24 107:11</p> <p>schedule 123:5</p> <p>Schild 35:6,16 111:14 117:22 152:22 169:3,8,14</p> <p>school 99:11,12,17 101:7</p> <p>scrambled 112:9</p> <p>seal 173:13</p> <p>search 96:7,10</p> <p>second 11:10 61:15 76:18 112:24 134:17 135:2 137:18</p> <p>Secret 100:18,20,23 107:9,10,13</p> <p>secretary 26:12 59:1</p> <p>section 76:12</p> <p>secure 151:16</p> <p>securing 145:18</p> <p>security 41:6 46:22 48:20 49:2 75:2 79:19 100:13,16,22 106:9,23 107:2,6,8 120:22 121:1,4 122:12 124:10 142:14 165:1,2,12 166:5 171:7</p> <p>see 38:10 43:1 59:10 65:20 66:9 94:8 95:23 96:1,11 112:17 113:13 118:17 124:2 125:8 126:24 135:6 140:24 155:1,15 158:17 159:5 163:18</p> <p>seeing 61:11 66:15,16,19 71:20 72:1 112:15 161:15</p> <p>seeking 23:17 39:7 86:24 88:18 89:2 165:3</p> <p>seen 37:20 40:23 41:2 45:1 56:24 57:8,23 64:1,4,7 68:24 69:11 70:9 71:10,15,18 72:15 85:7,9 86:3 92:18,23 93:2,14 112:9,14 114:7 158:19,22</p> <p>sell 33:18</p> <p>seller 84:8 110:4 119:24 125:23</p> <p>sells 20:8</p> <p>send 59:21 63:14 130:23 144:20 147:8</p> <p>sender 62:24</p> <p>sending 42:22 43:14 45:21 58:13 59:8 133:14 134:4 141:24 146:19 148:10</p> <p>sent 6:2,13,19 7:7,13 59:17,18 64:6 65:9 87:13 123:19 126:18 129:9 129:24 138:24 142:2 144:15 145:11 148:23 149:9 154:6 162:23</p> <p>sentences 145:8 167:11,12</p> <p>separate 44:8 55:17 73:9 105:13,14</p> <p>sequence 113:17 163:24</p>	<p>series 50:1 117:7 139:7 146:10 149:5 151:6</p> <p>serve 106:22</p> <p>served 94:19</p> <p>Services 1:8 2:12 48:3,7,12 49:2 67:16 74:3,13,17 79:10,18 84:20 85:1 86:9 88:24 89:7,12 90:5 91:8 94:1 134:13 141:1</p> <p>serving 106:15</p> <p>Session 8:1</p> <p>set 24:18 154:12 173:13</p> <p>seventh-largest 137:1</p> <p>seven-hour 128:1</p> <p>Seward 42:17,23 43:15 45:22 46:2 46:7,13 60:14,22 62:21 87:18 134:19,24 135:2,10,12 137:14 138:1 162:23</p> <p>Seward's 138:12</p> <p>share 25:23 77:14 156:9,14 157:22 160:13</p> <p>shared 156:17</p> <p>sheet 42:17</p> <p>shell 83:6</p> <p>shell-corporation 159:3,11</p> <p>shift 119:3</p> <p>ship 34:13,20,24 35:20 36:11,11 39:8 41:14 49:16 50:23 51:20 52:3,12,17 53:4 110:18,18,22,24 111:2,5,11 117:13 122:23 123:2,4 124:9 147:16 148:9 166:6 168:3 168:23 169:2</p> <p>shipment 46:22 110:6 152:14 171:8</p> <p>shipped 45:18</p> <p>shipping 1:4 9:20 34:9,11,21 35:5 35:12,13 36:3,7,14,20,23 39:4 40:5 41:7,10,12 44:3 46:4,19,24 51:13,18,19,24 52:20 54:11 55:4 55:14 57:10 58:4 60:19 63:7 64:18,23 65:5 74:20 75:2 76:16 76:22 78:2,12 79:19 86:7,8 87:7 109:21 111:7,10 135:18 153:8 167:8 171:7,21</p> <p>shopping 116:4</p> <p>short 161:2</p> <p>shortly 149:10</p> <p>shot 100:10</p> <p>show 37:11 56:21,24 58:8 59:4 61:6 63:21 68:22 69:20 85:5,19 138:7 144:19 158:10</p> <p>showed 64:5,16 96:18 111:16 112:5 114:3 118:16 158:6,9</p> <p>showing 64:13 144:24</p> <p>shown 39:4 148:13</p> <p>sic 47:22,23 51:12,24 55:5 146:22 149:17 167:1</p> <p>sift 102:9</p> <p>sign 134:4</p>	<p>signatory 91:16</p> <p>signature 8:14 114:9 118:17 172:12</p> <p>signed 8:17 65:21 66:2,15,16 81:13 114:10,11 118:23 133:16 134:3,5 161:19,21,24 162:4,6,9,15</p> <p>significance 31:24</p> <p>signing 131:6 140:14</p> <p>similar 20:13 27:13,14 48:1 75:12</p> <p>simplify 154:1</p> <p>simply 148:11</p> <p>single-entity 21:22,24 22:17 23:1,7 28:6</p> <p>single-purpose 116:4,7</p> <p>sit 117:16 164:5</p> <p>six 100:3 101:15,16,21 104:7 115:23</p> <p>sixth 96:1</p> <p>SIX-PAGE 4:11 50:4</p> <p>skip 72:5 141:6</p> <p>Slane 1:12 2:1 3:1,4 4:1,5,7 7:13 8:7,15,18 9:5,10,13,18,24 10:2,6 11:9,15 13:11,12,13,21 14:3,8,18 14:24 15:5 19:14,15 20:1 21:17 21:17,21,24 22:5,10,21 23:4,19 25:6,16 26:1,14,20 27:2 29:24 30:1,3 32:21 33:14 34:17 37:20 39:21,21 40:2 41:18 42:3,17 49:20 51:10 52:18,19 55:2,10,13 55:17,18,20 56:8,12 60:8 68:17 74:13,15 77:11,12,15,16 80:4,23 81:3,3,4,19 82:6,11,12 83:1,4 84:22 88:15 90:4,7,15,16,17,17 92:19 93:24 94:19 95:23 97:9 102:23 103:1,4 108:2,4,19 115:2 115:3,6,18,18 118:18,18,23 125:1 135:2,11 139:13 149:4 150:9,13 154:6,11 155:1 158:12 161:6,13 172:3 173:6</p> <p>SLANE/CHARTERING 6:8,16,22 7:3,9 126:6 132:18 141:9 145:24 150:2</p> <p>slash 53:6</p> <p>small 14:7 35:23</p> <p>sold 34:10</p> <p>Sole 107:24</p> <p>solicitor 134:22</p> <p>solicitors 128:11</p> <p>solution 140:4</p> <p>somebody 86:12</p> <p>someplace 35:24 46:9</p> <p>soon 134:1</p> <p>sorry 13:19 15:12 16:2 19:6 24:24 31:6 44:15 50:14,16 54:2 66:7,7 90:17 95:6 104:16 126:23 129:5 149:13 159:8 167:3 170:20</p> <p>sort 35:20 115:17</p>
--	---	--

sorts 97:13 Southern 1:2 9:21 Southport 2:5 speak 10:19 12:23 46:13 52:6 60:14 62:21 63:6,10 163:22 speaking 23:8 51:16 special-purpose 115:17 specific 38:3 specifically 118:13 specified 173:9 speculation 64:9 spell 19:21 33:4 106:19 spending 116:16 split 79:5 spoke 13:1 63:18 96:22 163:21,23 spoken 63:3 94:4,15 97:4 sponsor 88:20 sponsorship 90:1 Spruce 2:5 SS 173:2 St 136:4 staff 102:4,11 stand 48:5 standard 47:22,23 110:11,12 start 103:8 started 17:18 24:11 34:22 36:17 102:21 Starting 42:16 starts 50:12 startup 30:3,7 108:8,13 state 1:17,19 9:22 77:8 98:10,16 100:4 104:11,13,16,21 105:4,12 105:20 106:6 120:24 173:2,5,17 stated 47:6 53:11 73:14 162:17 166:20 171:10 statement 117:4 118:10 143:7 148:16 169:12 states 1:1 13:23,24 77:1 115:20 136:14,24 137:1 stating 133:22 stationery 66:14 status 132:1 stay 95:7 steam 18:1 steel 30:15,17,20 31:3 32:13,16 33:3,9 34:8,10 39:16 43:23 44:9 68:2 90:14 stenotype 8:9 173:7 stipulated 8:5 STIPULATIONS 8:4 stop 137:15 stores 116:3 straight 99:10,12 Street 1:19 2:5 29:11 strictly 141:3 Strike 96:16 158:7 string 4:11,16 6:1,4,7,10,15,18,21	7:3,6,9,12 50:4,19,22 57:16 123:17 124:17 126:5 128:19 132:17 138:23 141:8 145:23 148:21 150:1 154:4 student 101:18 stuff 118:2 subdivisions 100:19 107:10,14 subject 5:2 65:18 70:15 72:4 94:17 146:24 147:21 subordinate 105:22 subpoena 4:4 5:17 9:3 11:10 12:2,5 12:15 94:18,21 95:14,21 subsequent 169:19,20 subsidiaries 21:21 22:5 substitute 153:5 169:6,16 successful 23:24 24:10 25:20 sufficient 48:20 147:22 164:24 Suite 1:19 2:9 SUM 4:20,23 5:5 69:4 70:1 71:1 supermarket 116:6 supplier 84:8 90:14 109:24 110:1 supply 32:16 support 169:12 supposed 34:3 45:14 sure 10:14,21 16:13,15 27:22 31:17 31:23 64:10,20 69:13,13 118:1 121:1 143:8 165:11 168:1 172:7 suspect 95:11 sworn 9:14 173:6 Sylvia 1:15 173:4,16 S-L-A-N-E 9:24 S.A 1:4	148:17 150:24 153:18 temperatures 18:2 term 155:9 156:2 159:20 terminate 16:9,21 terminated 16:10 20:1 terms 39:3 40:4 41:4 42:8 69:15 74:22 120:18,20 122:13 142:20 149:19 151:5 test 20:21 testified 49:15 73:21 161:13 162:11 163:14,20 164:2 165:20 167:5,16 167:24 169:1 170:4 testify 4:4 9:3 173:6 testimony 108:15 122:16 testing 20:6 tests 20:19 Thank 11:6,7 31:8 44:18 48:4 109:18 161:7 172:5 Thanks 51:15 58:18 59:15 thing 123:14 152:15 164:8 things 96:18 103:4 165:5 think 13:1,2 15:3,14,14 17:10 19:22 27:7,15 35:20 36:17 37:22 43:11 47:24 55:21,22,24 60:20 62:4 64:5 65:7 71:11 72:3 74:4 76:5 80:15 86:12 94:11 99:1,4 100:10 107:15 108:4,6 110:5 112:19 114:11 115:13 118:15,15 118:15,16 121:13,14 123:1 124:7 124:8 125:19 137:22 138:18,18 140:1 144:15 145:7 151:14 152:20 153:9 162:2,16 165:9 166:9 167:10,14 third 35:19 45:11 THOMAS 2:14 thought 108:4 109:12 166:10 thousands 102:8 three 14:10 16:3 93:1 97:6 THREE-PAGE 4:4,8 5:1 9:2 40:12 70:14 Tianjin 42:18 55:6 72:6,7 108:24 109:6,19 119:20 120:4,6,7,8 123:7 125:15 till 140:14 time 5:20 8:9 10:8,20 11:3 16:6 36:15 37:4,7 51:14 93:19 94:15 97:3 99:2,3 111:9,22 116:1,10,16 116:22 117:5 118:14 121:20,24 122:19,22 123:5,10 125:11 127:3 128:1 129:10 139:21,23 142:3 143:11 144:19 146:20 147:22 149:10,11 150:16,22 161:7 162:4 162:8 163:24 164:22 172:6 173:9 timeframe 36:16 timely 132:6 times 121:15 122:11 127:19 138:8 152:12 166:21
---	--	---

<p>Tisdale 2:4 9:19 TISDALE/ESTECH 5:15 93:9 today 11:21 12:5,10,21 16:12,16 18:9,15 22:18 37:21 40:24 45:1 56:15 57:1,24 61:12,18 64:2 66:11,17 69:12 70:9 71:16,19 72:2 83:11 85:13 92:19 93:15 97:9 151:1 161:15 170:7,19 told 51:12,23 56:18 65:7 80:15 82:3 86:12 153:7 163:17 169:5 Tom 64:5 66:12 67:6 83:18,19 86:12 87:16 118:16 166:19,24 167:7,10 tomorrow 147:1,2 163:6 Tom's 66:14 ton 152:9 tons 152:10 top 38:8,17 43:1,4 45:11 51:9 53:23 100:18,20,23 107:9,10 125:8 137:18 146:12 total 73:4 77:3 101:13 115:16 116:11 125:18 town 35:24 track 31:19 trade 157:23 158:5,8,16,23 trade-association 88:11 89:23 trading 1:7 5:15 27:18 28:5,9,10,13 28:18,21,22 29:2,5,8,12,19,21 30:4,6,9,23 31:4,10,14 32:5,11,14 33:18 35:17 39:16 41:5,15 42:6 48:22 49:13 56:5 60:9 67:19 68:4 68:12,14,18 72:8,12,20 73:15 75:6 78:9,16 80:12 84:17 85:2 86:8 90:9,19 93:9 107:18,19 108:8,10,13,16 113:15 118:9 122:24 155:8 164:4 166:15 170:14,18 Trading's 29:10 39:12 transaction 34:7 46:3 90:13 96:12 136:13 143:9 153:22 157:16 160:13 164:15 transactions 121:16 transcribed 8:11 transcript 8:15 173:8 transfer 33:11,16 49:3 75:5 165:13 transferred 67:15 transit 132:6 transmitted 66:1 145:15 transmitting 133:6 138:4 144:13 transpired 90:10 transport 39:9 55:6 transportation 39:11 treat 20:11 tried 97:11 154:1 trip 102:11 true 173:8 trust 23:13,13,18,19,20 24:16,18</p>	<p>24:23 25:14,16 62:18 64:19,24 65:1,2,6,8 86:21 147:15 164:9,18 167:9 168:2 Trustee 86:17 104:11 105:17 Trustees 104:12,16,20 105:3,18,20 truth 173:6,6,6 truthful 97:18 try 10:18 141:6 trying 20:11 95:7 132:9 151:9 Tuesday 1:20 8:1 172:14 Turn 155:14 159:1 two 5:12 11:8 13:1 16:22 38:15 42:11,13 82:15 92:12,22 97:6 102:13 105:11,16 113:21 147:13 148:4 150:9 164:18 two-and-a-half 171:20 two-page 4:19,22 5:4,15 6:13,15,21 7:9,12 38:5 39:1 69:3,24 70:24 93:9 129:23 132:17 133:3 141:8 150:1 154:4,12 TX 2:10 type 24:4 25:23 28:23,24 82:5 89:3 120:22 166:13 types 53:18 typically 117:1</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>uh-huh 24:24 30:22 51:2,8 53:2 59:7,16 71:14,17 72:9 83:23 99:1 110:16 112:21 113:16 114:14 116:12 163:1 UK 108:22 Ukraine 127:8,22 128:2 133:10 142:3 146:17 149:10 Ukrainian 153:24 ultimately 22:10 151:11 umbrella 115:18 unable 16:24 19:17 33:22 152:16 unclear 166:9 undergraduate 99:10 underlying 112:20 143:9 understand 10:23 11:1 79:4 97:14 97:21 110:10 141:18 144:5 147:12 understanding 11:2 21:3 24:3 48:10 54:18 76:3,5 89:6 114:22 117:18 118:20 121:16 122:9 127:11,16,21,24 128:9 131:3,9,18 132:14 133:18 135:20 145:10,14 147:17 148:3,16 153:21 155:5 164:14,20,21 165:24 166:21,23 167:17 168:7,11,16 171:22 understood 108:15 undisclosed 23:14 unfamiliar 142:23 unfortunately 112:6 United 1:1 13:24 136:14,23 137:1</p>	<p>University 98:10,18 99:8 104:11,13 104:16,21 105:1,7,20,24 unsigned 7:2 66:5,14,19 143:22 urgency 162:5 USD 140:15 use 32:1 155:9 U.S 15:3,8,13 24:6 106:8,22 138:19 U.S.A 15:13,15,17,21,24 16:4,9,18 16:21 17:7,14 18:3,5,8,14,24 19:3 19:9,11,18,24 20:18,20 21:1,5,7 21:14 22:22 23:3,6,11,21 24:1,10 25:4,10,23 29:22 31:21,22 32:4,5 56:3,6 68:20 108:5,18 115:5,7,10</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>vague 151:23 value 125:16 152:3 various 13:23 96:17 103:1,4 114:18 116:24 119:11 121:15 122:16 venturer 159:21 venturers 159:18 160:4,8 ventures 21:14 verbal 10:22 VERIFIED 5:23 113:6 version 37:16 66:2,5,12,16,19 114:4 vessel 18:1 45:18 90:22 117:19 120:11 123:9 124:10 132:1,5,11 135:22 140:16 147:7 152:9 vessels 132:9 vessel's 152:10 Vice 14:6 view 153:23 viewed 12:9 Violin 152:22 VIOLIN/MICHALEK 4:17 57:17 VM 1:6 Voevudsky 124:4 127:6 128:10 129:6 130:16 131:10,19 133:4 139:17 140:3,19 141:3 144:14,16 146:13 149:15 150:24 154:20 VOEVUDSKY/MICHALEK 7:13 154:5 VOEVUDSKY/SLANE 6:1,13,19 7:6 123:18 129:24 138:24 148:22 vs 1:6</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>wad 100:10 waiting 27:24 132:7 138:18 147:3 waive 172:11 waived 8:13,16 172:12 Wal-Mart 116:5 want 10:23 11:3 112:23 126:14 149:7 163:2 171:4 wanted 30:14 62:20 64:17,20 82:4 120:21,21,24 123:24 132:24</p>
---	--	---

140:7,10 141:16 143:7 149:13 150:10 165:6,12 167:15 168:1 washing 18:2 wasn't 164:22 165:6 waste 15:1 Water 103:10 way 74:11 135:9 160:2 173:10 Web 115:6 weeks 94:12 went 47:15 66:12 79:12 99:12,15 102:15 151:9 152:2 West 10:3 we'll 19:12 56:22 69:21 we've 75:13 103:5 124:2 126:13 137:10 139:9,10 147:9 whatsoever 90:18 WHEREOF 173:13 White 102:1,3,12 willing 120:17 128:15 142:13 148:8 Winchester 29:11,16 Winton 2:8 3:5 13:4,6 15:12 19:6 27:21,23 31:6,8 38:2 44:13,19 50:11,13,16 54:2,5,13,16 58:15 58:19 64:9 93:23,24 95:3,9,20 111:18 112:4,22 113:2,9 114:6 119:2,5 123:23 124:24 126:12 128:24 130:5 132:23 135:4,8 137:9,17 139:5 141:14 144:1 146:6 148:2 149:3 150:8 154:10 161:2,5,18 170:24 wire 72:21 146:23 147:3 wired 73:1,8,24 74:5 76:15 164:9 167:1,9 WITHDRAWN 137:7 within-named 173:5 witness 1:12 3:3 8:7,12,16 15:14 19:7 31:7 44:17 58:20 64:10 69:9 70:6,20 71:8 75:21 93:20 135:5 172:4,7,11 173:8,13 Wolfson 38:1 42:12 58:9,14 59:5 61:7,16 62:24 63:3,22 66:13 68:23 122:17 147:3 Wolfson's 43:12 136:19 171:3 word 32:1 words 101:4 117:14 120:1 122:6 149:8 work 10:1 26:14,16,23 30:14 60:1 99:9,13,15 101:13,24 102:12,15 102:17 135:9 worked 43:11 102:1 170:7 working 101:4,6 128:5,11 130:18 works 20:24 21:2 world 13:22,24 110:13,14 worried 167:14 worth 117:1,5 wouldn't 109:20 wrapped 132:10	writing 76:4,8 78:18 written 68:11 74:2,2 170:1 wrong 112:12 <hr/> Y <hr/> yeah 22:7,7 35:15 44:17 47:24 50:15 51:3 54:7,10 62:4 63:9 65:3 73:23 77:21 79:15 89:14 94:23 99:2,5 101:6,6 104:17 105:10,12 106:8,11 107:11 112:21,22 114:14,15 115:8 116:12 121:13 130:24 131:16 134:24 135:6 136:15 137:24 138:3 140:7 145:6 150:18 152:20 153:13,20 154:16 155:7 163:23 year 98:19 103:13,14 years 10:10 16:22 56:10 100:3 101:15,16,21 102:13 103:21 104:7,17 105:24 116:15 Yonkers 98:6 York 1:2 9:21 65:3 86:7 98:6 115:20 116:9 144:21 145:12,16 Yuri 51:12,23 149:17 Yuriy 36:4,12 37:1 51:24 53:6,7,24 54:6,19,19 63:7,18 65:7,12 87:12 111:5 117:9 124:4 125:6 126:19 129:8 144:15 146:13 147:14 148:6 149:15 167:24 168:14,22 Yuriy-something-or-another 34:22 Yuriy/Dimitris 54:9 <hr/> Z <hr/> Zero 108:14 <hr/> \$ <hr/> \$100,000,000 117:3 \$312,000 83:22 84:24 \$312,500 4:23 70:2 \$32.50 152:8 \$340,000 33:7 39:17 73:9 \$344,000 73:1,22 75:8 \$344,190 4:20 69:5 72:21 73:8 \$500,000 5:5 41:5,16,19 42:1,4,7 47:11 48:16,22 49:3,12 71:2 74:23 75:1 76:15 79:19 85:12 120:14 121:17 122:10,18 129:16 140:9 142:14 146:23 151:16,21 152:1 157:15 162:14 163:15 164:3 165:13,21 166:5 167:19 168:22 \$6,120,000 125:16 \$9,000,000 171:19 <hr/> 0 <hr/> 00000006 5:11 88:3 00000076 6:3 123:20 00000077 6:9 126:9	00000078 6:6 124:21 00000079 6:12 128:21 00000081 6:14 130:2 00000082 6:17 132:20 00000084 6:20 139:2 00000085 6:23 7:5 141:11 146:3 00000089 7:8 148:24 00000093 7:11 150:5 00000100 7:14 154:7 00000103 4:18 57:19 0000012 4:15 57:5 0003 4:10 40:15 0009 5:11 88:3 00102 56:23 00103 57:14 00107 38:1 0014 1:6 0034 4:21 64:2 69:7 0035 70:11 0037 5:3 70:11,17 0038 69:21 0039 4:24 69:21 70:4 0040 85:20 0058 53:23 54:4 0059 52:23 006 89:11 0060 51:6 0063 4:13 50:2,8 0064 92:9 0065 92:22 0066 5:14 92:9,14 007 89:16 0071 85:7 0072 5:6 71:4 85:7 0082 6:14 130:2 0083 6:17 132:21 0085 163:4 0086 6:23 141:12 0087 38:1 0097 38:9 01:00 146:18 0101 7:14 154:8 0103 57:14 0177 5:22 112:1 0181 61:22 0182 61:22 02/12/2010 7:2 143:22 059 50:11 06890 2:5 076 124:1 <hr/> 1 <hr/> 1 40:9 53:22 54:2,3 68:23 83:14 113:11 149:10 1st 36:18 41:23 42:23 45:22 46:8 48:17 130:10 133:10 134:9,11 139:20 143:16
--	--	---

<p> 1/4/11 5:16 93:10 1/7/11 7:13 154:6 10 2:5 118:4 10,000,000 125:18 10,000,000-something 125:20 100 116:2 1000 2:9 11 1:6 127:17 11/19/10 4:21 69:6 11/30/10 4:13 6:2,6,9 50:6 123:19 124:20 126:8 11:06-and-35-seconds 127:17 112 5:20 113 5:23 12 115:20 149:9 150:19 12/1/10 6:14,17,19 130:1 132:19 139:1 12/10/10 5:1 70:15 12/2/10 5:5,21 6:23 7:4 71:3 111:23 141:10 146:2 12/21/10 4:24 70:3 12/23/10 5:7 85:23 12/24/10 4:15,18 57:4,18 12/3/10 7:7 148:23 12/6/10 7:10 150:4 123 6:1 124 6:4 126 6:7 128 6:10 130 6:13 132 6:15 139 6:18 14 63:22 64:2 65:16,20 66:11 89:17 141 6:21 143 7:1 146 7:3 149 7:6 150 7:9 154 7:12 16:06 128:5 161 3:6 17 150:16 17:00 142:3 17:10 150:14 18 58:9,17 101:12 19 50:11,12,13 72:21 1964 98:10 1967 98:20 1984 15:7 102:19 103:2 1990 103:15 1991 103:19 1998 104:19 1999 103:22 </p> <hr/> <p style="text-align: center;">2</p> <hr/> <p> 2 12:8 40:9 45:10 52:22,23 77:1 79:21 83:14 114:1 139:20 161:16 </p>	<p> 2nd 65:16 114:14 123:4 146:15,18 2,502,500 152:6,12 2/12/10 4:9 40:13 2:03 172:14 2:52 133:10 20 59:5,11 116:2,2 2000 2:9 15:11 32:7 106:2 2005 105:5 2006 17:10,18 104:19 105:5 106:2 2007 14:22,24 19:13,24 106:13 107:5 2008 5:10 88:2 89:12 2010 29:20 33:17 42:23 45:22 127:12 169:23 2011 1:20 8:1 172:15 173:14 2013 173:18 203 2:6 21 1:20 8:1 172:14 2100 1:19 23:06:35 127:14,22 24 5:21 111:23 24th 152:23 25 77:3,10,13,13 78:15,17,22 79:7 79:9,12 160:16 254-8474 2:6 26 37:12,21,24 38:4 39:5 40:6 111:17 112:6 155:15 261 10:3 27 156:8,19 28 156:24 28(D) 173:12 29 157:12 29th 173:14 29-PAGE 5:23 113:5 </p> <hr/> <p style="text-align: center;">3</p> <hr/> <p> 3 12:2,8,15 40:10 51:7 79:22 80:21 96:4 3rd 123:4 3,000,000 126:2 3/9/11 5:12 92:12 30 60:10 124:4 157:21 30th 36:17 46:9 111:4 123:2,3 126:19 127:11 129:9 30/11/2010 127:10 31 159:1 32 159:17 32.5 152:12 344,000 76:6 344,190 73:7 </p> <hr/> <p style="text-align: center;">4</p> <hr/> <p> 4 96:5 155:14 173:18 4:06 128:7 4:57 129:10 40 4:8 42 61:7,14,23 </p>	<p> 43215 1:20 43230 10:4 46 4:4 9:6 11:9,16 12:1 47 4:6 9:11 11:9,16 12:7 48 4:8 40:9,16,19 47:4 65:13 161:16 49 4:11 50:9 51:5 52:24 53:22 </p> <hr/> <p style="text-align: center;">5</p> <hr/> <p> 5 96:5 142:4 5:53 130:10 50 4:11,14 24:7 56:23 57:6 77:21 77:23 78:6,17 79:5 500,000 75:10 86:21 120:14 140:20 147:7 500,000.00 140:15 51 4:16 57:13,20 52 4:19 69:7 71:12,16 75:13,16 53 4:22 69:22 70:4 71:19 83:21 54 5:1 70:12,18 71:7,22 75:17 76:12 79:21 81:9 82:18 118:3 55 5:4 71:4 85:6 56 5:7 85:20,24 57 4:14,16 5:9 87:21 88:4 58 5:12 92:8,15,22 93:2 59 5:15 93:6,11 </p> <hr/> <p style="text-align: center;">6</p> <hr/> <p> 6 87:20 130:10 149:10 150:14 6,000,000 171:19 6,120,000 125:22 60 5:17 29:11 95:11,18,22 135:3 61 5:20 111:19 112:2 62 5:23 113:3,7,11,21 114:1 161:17 63 6:1 123:21 124:2 64 6:4 124:22 125:1 646-1304 2:10 65 1:18 6:7 126:10,14 129:13 66 6:10 128:22 129:1 67 6:13 130:3,6 167:22 68 6:15 132:21,24 134:18 137:19 167:22 168:15 69 4:19 6:18 98:4 137:6,11 139:3,6 167:22 168:15 </p> <hr/> <p style="text-align: center;">7</p> <hr/> <p> 7 87:20 134:8 7:52 133:11 70 4:22 5:1 6:21 141:12,16 162:24 168:15 70,000 152:10 71 5:4 7:1 143:23 144:3,4 713 2:10 72 7:3 146:4,7 73 7:6 149:1,4 74 7:9 150:6,9 75 7:12 154:8,11,15 </p>
---	--	---

77,000 152:10,12

77002 2:10

8

8 42:12,16,20 87:20 133:11 134:8
135:4 146:19 171:2

86 5:7

88 5:9

9

9 3:5 4:4,6 42:13 44:21 45:10 87:21
171:2

9,120,000 125:22

9:05 1:20 8:2

92 5:12 104:9

93 3:5 5:15

95 5:17

97 38:4

98 38:4 104:9